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" Every point of *law*, that is accidentally *intermixed with matters of fact*, in the complicated issue, or " question, referred to the determination of a Jury, *is within their cognizance.*"——LITTLETON.

SUMMARY OF POLITICS.

Mr. CLIFFORD's Action against BRANDON. ——The issue of this action is of a good deal of importance as relating merely to the conduct of the proprietors of the theatre, on the one part, and to that of the audience, on the other part; but, when considered in its probable influence upon the general freedom, and the personal safety, of the people, it is of a degree of importance not easily to be described.—— Viewing it in this light, I must, of course, think it my duty to put upon record a short account of the Trial, having first stated the grounds upon which the action was brought.——For many weeks past, the audience at the new-built theatre of Covent Garden, have, by noises of various sorts, by the exhibition of placards, cockades, medals, and, by other means, expressed their disapprobation of the advance which the proprietors have made on the former prices of admission, and also of the construction of the interior of the house, by which, it appears, that the middling class of the people are shut out from their usual chance of obtaining comfortable and respectable seats. Various are the means, which, it seems, the proprietors have resorted to, in order to stifle this opposition. Amongst others, the causing of persons to be seized, the causing of persons *composing part of the audience*, to be seized as *criminals;* to be dragged before the Police-Magistrates, who are justices of the peace receiving a salary from Government, and removable at the pleasure of the minister of the day; to be, by the said magistrates, held to bail, or committed to prison; and, it appears, that many very respectable persons, not happening to have bondsmen immediately at hand, have been committed to prison, and to a prison, too, chiefly used for the confinement of the worst and lowest of wretches.——One of the persons, thus seized, some few weeks ago, was MR. HENRY CLIFFORD, a barrister of great eminence for talent in his profession, and not less distinguished for the soundness of his political principles and his attachment to the cause of English freedom. This gentleman having been, one evening, in the Pit of the Theatre, and having, amongst the other marks of his disapprobation of the conduct of the proprietors, put in his hat a paper with the letters O P, which have been used as a sign of opposition, being the initials of the words OLD PRICES; this gentleman, for having thus acted, was, after the play was over, and as he was going along the passage from the interior of the playhouse, seized, without any warrant, by a police-officer, who acted under the express orders of a MR. BRANDON, a servant of the proprietors, who appears to have had the chief management in these arrests.—— Mr. Clifford was, it appears, dragged, in the usual way, from the Theatre to the Police-Justice's office at Bow Street, where it was not thought wise, it seems, either to force him to give bail, or to send him to prison. He was, therefore, discharged; whereupon he brought his action against Mr. Brandon for *false imprisonment*, which action was tried, in the court of Common Pleas, before SIR JAMES MANSFIELD, the Chief Justice of that court, on Tuesday the 5th instant.——MR. BRANDON's plea was, that what was passing at the Theatre, on the evening when Mr. Clifford was seized and dragged to Bow Street, amounted to a *riot;* that Mr. Clifford had *taken part in that riot;* and, that the seizure was made *legally.*——Mr. Serjeant BEST, who was counsel for Mr. Clifford, contended, that all this was false; that what was going on at the theatre was *not a riot;* that, if it was, Mr. Clifford had *no hand in it;* and, that if it had been a riot and he had a hand in it, still the arrest was illegal, because, the pretended riot was *at an end* when the seizure was made, and that, therefore, the seizure was illegal, and the imprisonment false, there having been *no warrant* granted for making the seizure. MR. SERJEANT SHEPHERD, counsel for Mr. Brandon, took, of course, the exactly opposite assertions. It would be useless to attempt any analysis of these speeches; but, there is one point of Mr. Shepherd's doctrine, relating to the functions of *juries*, that ought not to escape

particular notice, and, indeed, marked reprobation.——The report of his speech makes him say:——"Whether, under "the circumstances of the case, as they "had been detailed in evidence, the De- "fendant was justified *in point of law*, for "having ordered the seizure of Mr. Clif- "ford, the Jury must decide. They must "decide this question, according to the "*principle of law*, which in that, as in "other cases, *he hoped, they would receive* "*from the directions of his Lordship;* be- "cause, if his Lordship, or any other "learned Judge, should *happen* to mistake "the law, any advocate for the person, to "whose disadvantage the misdirection "had been given by any such Learned "Judge, *thank God*, had another Court to "apply to, so as to have any error, if such "should be found, corrected. The Jury, "he was sure, would see, that it was *fit*, "the law in this, as in all other cases, "should be laid down by those, who are "the Judges of the land; and, that it "*should not vary*, from day to day, with "the opinions of Gentlemen who are "summoned, from time to time, to per- "form the functions of jury-men. *Me-* "*lancholy*, indeed, would it be for the "Constitution, and for this, or any other "country, governed by law, were there "not a tribunal, composed of persons com- "petent to decide upon all questions of "law—men, *whose lives had been dedicated* "*to the study of the law*, the former part to "the *practice*, and the latter part to the "honest, upright *administration* of that "law."——I never heard of any thing like this before. It argued a strong misgiving, in the mind of the Serjeant, that the Jury was not on his side and that the Judge was. But, it is the *argument;* it is the *reasoning*, which I wish to point out to the reprobation of the reader. We have often seen attempts to chip away the functions of jury-men, and I wish I could say, that they had been made in vain; but, here is an attempt to nullify their functions altogether; and to hold them forth to the country as being no longer of any use.——This was precisely one of the cases contemplated in the words of my motto. *Points of law* were here *intermixed with matters of fact;* but, Serjeant Shepherd would have the Jury not think of meddling with the *law*, though, if they so acted, they might as well have left the *whole* to the Judge. There was no question about the *fact* of Mr. Clifford's having been in the Theatre or his having worn the O P. There was no question at all about this; and, therefore, if the Jury were not to exercise their judgment upon the question of *law*, if they were not to judge, whether what took place at the theatre was *a riot;* and, supposing it to have been a riot, if they were not to judge, whether the conduct of Mr. Clifford amounted to a *participation* in that riot; and, again, if they were not to judge, whether (supposing there to have been a riot) the riot was at an *end* when Mr. Clifford was arrested; if they were to judge of none of these things; if all these points were to be left to the Chief Justice, what was the use of the Jury? What possible use could it be to impannel twelve men upon such a matter, when Mr. Clifford himself stated his having been at the Theatre and acknowledged his having worn the O P, and when the defendant acknowledged his having ordered Mr. Clifford to be seized? The truth is, that, in this case, as in most other cases of a similar nature, there was nothing in dispute, and, of course, nothing to decide upon, but the points of law; so that, if Serjeant Shepherd's doctrine had been sound, it must have been mere mockery to submit the case to a Jury. What were the questions?

1. Whether Mr. Clifford was at the Theatre.
2. Whether he wore the O P.
3. Whether there was a riot at the Theatre.
4. Whether Mr. Clifford's conduct amounted to a participation in it, if it was a riot.
5. Whether the riot, if it was one, was still going on when he was seized without a warrant.

The first two, which the Serjeant would call questions of *fact*, were of no importance; and those the Jury might decide upon. But, as to the other three, they were to be decided upon by the Judge. As to these questions, upon which alone any doubt could possibly have existed, the Jury were, according to Serjeant Shepherd's doctrine, to be no more than the mere mouth-piece of the Judge, and the functions they were to perform might have been performed full as well by the Crier of the Court.——Talk of *law* and of *fact*, indeed! Why, what are these three latter questions, above stated, but questions of fact? Or, at least, the question of fact is so interwoven with the question of law, that there is no such thing as

separating them.——This reasoning of Serjeant Shepherd applies to all cases; to all possible cases. To cases of treason, for instance. Suppose a man to be arraigned for treason, upon the ground of his having written a certain paper and sent it secretly to other persons, which acts are asserted by his accusers to come under the legal definition of compassing the death of the king. If, in such a case, the accusers are prepared with proof of the accused person having *written and sent the paper*, they know, beforehand, if the Serjeant's doctrine be sound, that *the jury will have nothing at all to do with the decision*; and thus the man is not found guilty by *his peers*, but by the Judge alone.——There is nobody who denies, that Judges have more knowledge of the law, than juries can be expected to have; but, it does not hence follow, that the life, fortune, or fame, of any man ought to be left to the judge, in any case whatever; and, it is plain, that, if in this case, the jury was to follow implicitly, and to decide upon, the opinion of the judge because he was a man who had made the law his peculiar study, there is no case in which they ought not to decide upon the same principle; and that, of course, there is no case wherein a jury can be of any use whatever, except as mere instruments in the hands of the judge, and that the old idea of a man's being *tried by his peers* is perfect nonsense.——This doctrine of Serjeant Shepherd did formerly prevail, and was, by wicked political judges, acted upon in *cases of libel;* but in 1792, this doctrine, which had long disgraced our courts of justice, was extinguished by an act of parliament, brought forward by Mr. Fox, and passed for the express purpose; and which act of parliament declares, that, in cases of libel, *as in other cases*, the jury shall judge of and decide upon *the law as well as the fact*. Before this act was passed Lord Mansfield and some other judges had acted upon the contrary maxim; but, it ought to be observed, that this maxim had been repeatedly condemned by the great Lord Camden, who was certainly one of the most honest lawyers as well as one of the most wise men, that this country ever knew. ——Serjeant Shepherd allowed, that it was possible for the Judge to *misdirect* the jury; for him to lay that down as law, which was not law. But, said he, "in "such case, *thank God*, there is *another* "*court*, to which the party, against whom "such misdirection may operate, may ap- "peal, and to which court, in such case, "his counsel will advise him to appeal." The Serjeant does not appear to have *named* this other court; but, he could mean no other than the *House of Lords*, the probable *expence* of appealing to which court the Serjeant forgot to mention; or, perhaps, he thought that that formed no objection to such a mode of proceeding. No, Mr. Serjeant, we have been taught to look for protection to a jury of our equals; and, whatever may be your taste, there are very few of us who are in love with "*the law's delay*," one of the things, which the great studier and master of human nature has reckoned amongst the causes of self-murder. Observe, too, that, beside the delay of the law, how it must, in such case, operate in favour of the *rich* and against the *poor*. If the judge misdirect the jury against a rich man, he can appeal; but, how is it possible, be the case ever so gross, for a poor man to appeal to the House of Lords? What man even in middling circumstances, ever did make such an appeal? Does the Serjeant recollect one? If he does let him name him.——Having remarked upon this doctrine, manifestly having in view the object of preventing the jury, in this case, from deciding upon their own opinion, let us see what was the result.——The Chief-Justice, according to the printed reports of the Trial, gave it as his opinion, that what was going on at the Theatre, on the evening when Mr. Clifford was seized, was *a riot;* it appeared, too, that he thought that acts of Mr. Clifford made him *a participator in the riot;* and it also appeared, that he *did not consider the riot at an end*, when Mr. Clifford was seized.—— The jury, however, notwithstanding the above doctrine of Serjeant Shepherd, gave a verdict for *the plaintiff*, Mr. Clifford, with damages of FIVE POUNDS.

JURORS' NAMES.

STEPHEN PITT, Church-street, Kensington, Esq.
EDWARD JENNINGS, Young street, ditto, Esq.
WILLIAM DAY, Brook Green, Esq.
GEORGE SCOTT, Upper Mall, Hammersmith, Esq.
THOMAS ROGERS, York Buildings, Esq.
The above were the only five of the Special Jury.

THOMAS GREENWAY,
RICHARD NORTIN,
GEORGE READER,
JOHN SEYMOUR,
THOMAS RYAN,
WILLIAM BEST,
MARK COOK,
} *Tales* Men from the Common Pannel.

Before the jury retired, the judge had desired them, if they should find for Mr. Clifford, to state upon which of the two grounds they gave their verdict: whether upon the ground of *Mr. Clifford's not having been guilty of a riot;* or, upon the ground of his having been apprehended *after the riot was over.* When, therefore, the jury returned, and gave their verdict, the judge is reported to have asked them for an explanation of the ground, upon which they gave it. But, I shall now insert this part of the report, as I find it in the news-papers, it being of the utmost consequence, that no misrepresentation of what passed should take place.

"Sir J. Mansfield then requested the "Foreman to acquaint him with the ground "on which their verdict had been given "with reference to what he had referred "in his charge, whether they found for "the Plaintiff upon the *illegality of the* "*Arrest*, or upon the ground that Mr. "Clifford *had not been guilty of a riot.*

"The Foreman replied, that on the il-"legality of the arrest, they were unani-"mous. With respect to the question of "Mr. Clifford having been concerned in "a riot, there was a difference of opi-"nion. That question had not, however, "been decisively discussed, as the Jury "was unanimous in their verdict on the "first principle.

"Sir James Mansfield—I am sorry "that that question was not decided, for "it leaves the thing which I wished to be "decided as equivocal as ever. I am in-"deed very sorry that the Jury did not "agree on the distinct grounds of the "verdict, for this shocking mistake of "the public will still go forth, and public "outrage may be continued by a *furious* "*mob*—it deserves no better name—they "may think themselves authorized to take "justice into their own hands, and gratify "their revenge by violence and outrage-"ous conduct, even, perhaps, *to the ruin* "*of their country.* What may be the con-"sequence of such a spirit, it is impossi-"ble to foresee, but certain I am, that it "leads to *every kind of horror*—possibly to "the *subversion of Government*, certainly to "great evils, perhaps *the worst that can be* "*endured by a nation.*

"Juryman—We found the verdict on "the ground that the Plaintiff was ille-"gally apprehended.

"Sir James Mansfield—That's *equi-*"*vocal*, and decides nothing—for he "might be a rioter, and yet illegally ap-"prehended by being taken after the "thing was over.

"Juryman.—It was generally thought "rather *harsh* to construe wearing O P "into an act of riot, and by some, that "it would be *inconsistent with the rights of* "*Englishmen.*"

With respect to Sir James's apprehensions of *great national danger* from what is going on at the Theatre, I must say, that I do not participate in them. I have seen nothing, in any of the accounts that have reached me, that would induce me to suppose, that the Opposition at the Theatre has been at all marked with a *mobbish* character. We see, that scores of the oppositionists are seized, even in the midst of their companions, and dragged off to the office of the Police-Justices, where neither those justices, nor any of their officers, meet with any insult or hinderance in the execution of their office. They demand bail, they send to prison, and no sort of resistance is made. It is remarkable, too, that of the wounds said to have been received in the several scuffles, almost the whole have been received by the oppositionists. Scarcely a man on the other side has received a personal injury. Besides, it has been proved, under the hands of very respectable men, that *common bruisers* had had *free admissions*, not only for themselves, but also to give to others; and, I cannot help thinking, that it will be finally made to appear, that, in measures of *force*, the managers set the example. I cannot, therefore, see much ground for Sir James Mansfield's political fears; I cannot see in the conduct of the O P's any thing that appears to me to threaten the *subversion of the government*, or even the *ruin of the country.* We have before heard of the ruin of the country; it is a very common phrase; it has been apprehended from various and innumerable causes; but, really, I should not have apprehended it from hissing, hooting, and groaning at the Theatre, however often repeated; I should not have supposed, that, even the pelting of all the players off the stage with orange-peel and rotten apples, was any indication of *national ruin.*——Indeed, I for my part, should be much more apprehensive of national ruin from doctrine like that of Serjeant Shepherd; for, if that doctrine, such as it is described in the report, were once to be generally acted upon, there would be an end of the main object for which we are now disposed to fight in our country's defence: namely, *the Trial by Jury.* If that

doctrine had been acted upon, in the case of the *seven Bishops*, in the reign of JAMES II. those Bishops would have been found *guilty*, and, of course, *punished*. If, in short, that doctrine had been acted upon, neither of the villains, SCROGGS and JEFFREYS, would ever have been accused of *tyranny towards juries*, for they never would have met with any opposition, but, on the contrary, would have found juries to be *a most convenient sort of 'scape goat*. Juries, like all the other institutions, intended as safeguards of freedom, become, if perverted from their purpose, not only no safeguards at all, but the instruments of *greater tyranny than would have been practised, if they had not existed*. A judge, with the eyes of the public fixed upon *his* decisions, would be more likely to be cautious how he lent himself to the abuse of law, than if those decisions, though really his, passed for the decisions of juries. We cannot, therefore, too often, or too strongly, repeat our abhorrence of this doctrine, which, if acted upon, would make juries nothing more than the means of screening the misconduct of judges from public hatred and indignation.——In some of the reports of this Trial, Mr. SERJEANT LENS is represented as urging the Judge to call upon the jury for a statement of *the reasons*, upon which they founded their verdict. This does not appear to have been done by the judge, who merely asked them to say, upon which of *two distinct grounds* they founded their verdict; which, though *new* to me, was very different indeed from calling upon the jury for *their reasons* generally, which, in my opinion, would be a most daring violation of the rights of juries. A man may be very capable indeed of forming a correct conclusion, and, from various causes, very incapable of clearly stating his reasons, especially before a numerous assembly, who, from the very nature of the circumstances, must be watching every word that he utters. Besides, is it not manifest, that, in one and the same case, different men may come to the same conclusion upon different grounds? Nay, must it not necessarily happen, in many cases, that the jury are not, at first, unanimous, and that their verdict is the result of some giving up their opinions to others? Into what endless labyrinths, then, would every case lead the persons impannelled as well as the court, were it to become customary to ask jurors *the reasons* for their verdict?—— Serjeant Shepherd talked of the mischiefs that must arise from jurors not taking *the law* of every case implicitly from the judge; and, amongst those mischiefs he stated that of the law's *changing* continually, with every change of jurors. This is the old argument of SCROGGS and JEFFREYS, but it is not the more amiable or convincing for all that.——If laws were all written; if all possible cases were provided for in a manner so clearly as to leave nothing to be supplied by reasoning or construction; and if we had a security from Heaven for all judges being honest and impartial; then (though, by the bye, it would be quite fatal to the Serjeant's profession) I should say, leave the law to the judge, for he has spent his life in reading the law, and the jury have not. But, the fact is, that there is not one case out of one thousand which the law has so clearly provided for as to leave nothing to be supplied by construction; and, there is, in almost every case, especially of the sort of that now before us, so much depending upon the views and intentions of the parties, and the character of the act depends so much upon those circumstances, the true weight of which can be felt only by men who are taken from amongst the people, that I have no scruple to give it as my decided opinion, that a jury of twelve honest and impartial men, are, leaving all other considerations out of the question, more likely to come to a just decision than any single judge that ever sat even upon the English bench. The Serjeant, however, should have remembered, that the institution of juries grew out of a scrupulous regard for the *safety of the persons and the property of the people against the arm of encroaching power*; and that the great maxim of our benign law is, that it is better for a hundred times a hundred guilty persons to escape punishment, than that one innocent person should suffer. The laws have all been grounded upon the known existence of the power of juries to interpret those laws; and, therefore, if this power of juries be taken away, or, which is the same thing, suffered to remain only in name, you, do, in fact, change the nature of those laws.—I do not wish to inculcate an idea, that our judges are fickle in their interpretation of the law; but, surely, Mr. Serjeant Shepherd will not pretend to say, that different interpretations have not been given by different judges, of the same law; nay of the same clause of the same written statute; and that, of course, different decisions have taken place upon evidence of

the same facts, or facts of exactly the same description, produced in different cases? When the Serjeant was a young man, he must have seen the delightful puzzling that this created amongst the wiseacres at a Quarter Sessions. Our judges are, and have been, for many years past, as good, perhaps, in every respect, as judges ever were; but, still they are no more than men, and no men are perfect. It is neither the wisdom or the integrity of the judges that I should distrust; but, the power which Serjeant Shepherd contends for is, as SIR ARTHUR PIGGOT said in the debate upon the Irish Insurrection Bill, "a power that I would give to *no man*." In short, the Serjeant's doctrine would, if acted upon, render juries totally useless; and we might as well consent, at once, to the revival of that infamous instrument of tyranny *the Court of Star-Chamber*, which was established for the purpose of inflicting punishments upon persons, whom juries could not be prevailed upon to find guilty.

EDINBURGH REVIEWERS ——It will be remembered, that these gentlemen have, in their justly celebrated work, lately endeavoured to maintain, *that the House of Commons stood in no need of a Reform.* Much ingenuity was employed in this endeavour, and, it may easily be supposed, that some effect was produced by it. Events have, however, since the writing of that article, occurred, sufficient, it appears, to shake the opinions of its authors.——Amongst the reasons why a Reform should take place, we always mentioned, the want, as things now stand, of any *real responsibility* in the ministers, be their conduct what it might. Now, in their Number for October 1809, the Edinburgh Reviewers, after taking a view of the Conduct of the War, and particularly of the ruinous and disgraceful Expeditions to Spain and Holland, declare, that, if the House of Commons do not make the ministers really responsible for these failures, they (the Reviewers) will join us in calling for a Parliamentary Reform, as the only means of saving the nation from utter ruin.——It is best to insert their *own words*, to avoid the possibility of a charge of misrepresentation —— "It now remains to be seen, "*whether that* PARLIAMENT *which stands in* "*no need of reformation—which is a fair re-*"*presentative of the people of England—which* "*speaks the sentiments of the country*—will "once more *acquit the Ministers of all* "*blame for their recent mismanagement.* "Holding in common with the Parliament "itself, the doctrine of its purity and of "its sufficiency to save the State, we can-"not anticipate such a decision. But *if*, "unhappily, we should find ourselves "mistaken; *if*, again, every measure and "every minister be covered over with its "approbation, *then we will venture to predict*, "*not that the Government is acquitted, but* "*that the Parliament stands condemned*; and "we shall most unwillingly *be compelled to* "*appear in the foremost rank of those who* "*must acknowledge that they are convinced* "*and converted.* For it is needless to dis-"guise the matter. A refusal *to punish* "the authors of our misfortunes can only "mean one of two things—either that "there has been no blame incurred—or "that it is inexpedient to declare it, be-"cause such a resolution would drive the "guilty persons from the Government. "In the one case, the Parliament will "shew that it is not the Representative of "the Country; in the other we shall have "a conclusive proof that the Ministers of "the Crown are irremovable. The *re-*"*sponsibility of our rulers*, that fairest fea-"ture in the theory of the Constitution, "will be *no longer even a name*, where-"withal to round parliamentary periods: "and the people will *thenceforward* recog-"nize, in the great Council of the Nation, "*not the guardian of their interests*, and the "*champion of their rights*, but *a well con-*"*trived instrument of taxation.*—The conse-"quences of such a decision, therefore, "will be productive of incalculable mis-"chief; it will *complete the alienation of the* "*Country from the Government, and shame* "*away the boldest defenders of the present* "*system.*"—— Here then, we have a distinct *pledge;* that unless the parliament *punish* the present ministers for their management of the war; we have a distinct promise, that, unless the parliament, at its meeting, does this, the Edinburgh Reviewers will join us, nay, will place themselves at our head, and be our leaders in all lawful endeavours to obtain a Reform of the Parliament.—I cannot help thinking, that the writers of this work do now perceive, that the nation is not to be saved without a Reform of the Parliament, and that this is only a decent way of accounting for the change of sentiment, which upon this subject, they now mean to discover.——A correspondent, in a letter inserted below, supposes, that the article *against* Parliamentary Reform was written by a person, now no longer one of the

writers in the Review. I should have guessed it to be the production of Lord Selkirk; and, indeed, I believe him to be the author of it. Persons, conducting such publications, are but too apt (without any corrupt motive) to suffer rank and wealth to usurp their pages. This would be of no consequence at all, if the authors were to put their *names* to what they write; but, it is of great, and may be of mischievous, consequence, when their writings go forth to the world as the writings of the editors, or conductors, of a celebrated work.——At any rate, we have now the pledge of the conductors, and to that pledge, we shall, I trust, find them adhere.

Conduct of the War. —— The mismanagement of the war is now denied by no man. The very hireling news-papers confess that it has been mismanaged; or, at least, they have not the effrontery to deny the fact.——Let us now see, then, *what the parliament will do.* The public must remember, that, after all thoughts of an attempt upon Antwerp had been given up, the hirelings of the press told us, that *the island of Walcheren was invaluable;* that it was a most important post for us to hold; and that it was well worth all the expence and all the loss of lives, which the capture of it had occasioned. Nay, it will be remembered, that, these assertions were not confined to the hireling prints; for that Lord Chatham himself, when he communicated to the ministers (in a dispatch that was published) his intention not to proceed up the Scheldt, did not fail to tell them what a "*valuable possession*" the country would find in the Island of Walcheren.——Long before that time, and at that time, I endeavoured to convince my readers of the impossibility of our holding Walcheren for only one winter. For these endeavours I was most outrageously abused by the hirelings. I was represented almost as a traitor, because I advised the ministers to evacuate the island with all possible speed; and, because I repeated my remonstrances against keeping, or attempting to keep, the island, or any part of it, the Nabob's Gazette lamented that I was not "*silenced.*" ——Well! we now see, that, if my advice had been followed, how much loss, how much disgrace, this nation would have avoided!——I am, for my part, quite at a loss to discover, upon what grounds the ministers will, or can, attempt to defend their warlike measures. Any man, or set of men, may *err*. This is very true; but, it is nothing at all in the way of justification of those, who have taken upon them to manage the affairs of a nation. I am at a loss to discover what sort of *apology* even, can be offered, not for the *failure* but for the *undertaking*, of either of the expeditions. I regard that in Spain to be the worst, after all; especially as it was undertaken with the sad experience of Sir John Moore before the eyes of the ministry as well as the commander. I do not agree with the Edinburgh Reviewers in all they say of Sir John Moore, or of his conduct in Spain. I believe him to have been much to blame, but the ministry and their agents to have been more to blame. His retreat was too precipitate. It was a flight, and a flight it need not have been, if the necessary precautions had been taken at several of the passes in the mountains, and at two or three of the bridges. This, however, has nothing to do with the present question. And, again, I say, that I am totally at a loss to discover, what sort of apology can possibly be found for the undertaking of either of those ruinous expeditions.——I have, however, no notion, that the matter will be taken up in the manner that it ought to be, when the parliament meets. And, yet, all other motives aside, it is strange that a motive of *self-preservation* should not impel men of property all to join in their endeavours to prevent a repetition of such waste of the national means; to prevent a repetition of measures, so manifestly tending to the downfall of the state. But, it has in all nations been thus. There appears, under such circumstances of public danger, the same sort of infatuation always to have prevailed; and, the truth is, perhaps, that such infatuation is a necessary consequence proceeding from the same cause as the danger itself. It would seem that the blows, which cripple a nation, do, at the same time, deprive it of its senses.—— I cannot bring myself to entertain the terrible idea of England's becoming a dependence of France, an idea not less fearful than that of death itself; but, still, if things go on in their present course, I cannot see, *how* we are to escape this dreadful end. If our affairs are to be exposed to the natural and inevitable consequences of continual bickerings and intrigues, if self-interest, if grovelling passion, are to bear sway, reason says we must fall, and fall we shall.

CITY OF LONDON.——I am happy to see, that the *Citizens of London* are, at last, *alive*. The proposition for calling a meeting of the Common Council for the purpose of rescinding the motion, carried at the last meeting, seems to have roused the separate *Wards*, most of whom have instructed their representatives to support that motion.——This does not appear to have been expected by the *courtiers*; that is to say, by the Contractors, Jobbers, Loan-Jews, and all the train of "blood-suckers," as the Great Lord Chatham used most significantly to call them. It will, I hope, lead to good. The day for electing Common-Council Men is approaching; and, it is to be hoped, that the people of London, who really do, in this respect, enjoy the Constitution unimpaired, will show the whole nation, that it is of *some use* to enjoy the Constitution.——The old cant of *leaving the matter to parliament* was again brought forward at the last meeting of the Common-Council. To *defend* what the ministers do is the first thing, with the harpies; to *apologize* for it is the next; to *insist that inquiry will do no good*, the thing being past remedy, is the next; to cry *jacobin*, and make no other answer, except by a vote, is the next; but, when none of these will do, then comes the pretence of *leaving the matter to the parliament*, that is to say, to an assembly, in which it is notorious, in which it is known to every link-boy, that the ministry, whose conduct is the object of inquiry, *have a decided majority!*——Was there ever any thing in the world so impudent as this? Yet, by tricks like this, have the citizens of London, formerly so renowned for their opposition to every species of misrule, been, for above twenty years, led along from one act of absurdity and meanness to another, till, at last, the minister of the day seemed to doubt, whether a vote of approbation from them would not be injurious to his cause! Let us hope, that better times are approaching.

COVENT GARDEN THEATRE.——In my last sheet, at page 892, I recommended to the managers of this great scene of public amusement *measures of conciliation*. A correspondent, who says that he agrees with me in opinion as to *all* the points upon which I touched, in the article referred to, begs of me, in a very earnest manner, to state *the terms*, upon which *I think*, peace between the managers and the public ought to take place.——It reasonably may, and I am afraid it will, appear presumptuous in me, who live at such a distance from the spot, who have never seen the Theatre, who am not likely ever to frequent it, and who, of necessity, must be greatly deficient as to many points of information upon the subject; I am afraid, that, under these circumstances, it may be thought presumptuous in me to put myself forward as a *mediator* upon this occasion. Yet, I must confess, that I am very anxious to see an accommodation take place, and chiefly, because I am persuaded, that, in the end, it must take place, and that, as long as the dispute lasts, it will only serve to withdraw the attention of the public from matters of greater importance; and, if I am deficient in point of information; if, in some respects, I want the advantages that my brother journalists in London possess; on the other hand, my distance from the scene has prevented me from being personally a party in the contest, from receiving hasty impressions, and from having my opinions tinged with resentment; while it so happens, that I am totally unacquainted with either of the managers, and, as far as I know, with any individual having the smallest share of property in the theatre. When, in the year 1800, I was proprietor of a daily paper, I had a free-admission card sent me, as was, and is, the custom with respect to persons in that situation, which card has been continued ever since, as is also the custom. But, for the last five years, I have not entered a theatre; I have not, that I know of, ever *seen* either MR. HARRIS or his SON; nor have I, off the stage, ever seen MR. KEMBLE but once, which was in the year 1800; and with neither have I ever had any communication whatever, in any way, or upon any subject. —— It is, however, after all, with great diffidence, that I offer my opinion as to what ought to be the *terms* of accommodation; nor should I attempt it, were it not quite impossible to make things worse than they now are. ——In this case, as in all others where there are numerous parties, and where the quarrel is of any length of duration, the grounds of the quarrel change; and at this moment, the O P means *no hired bruisers, no legal persecution*, much more than it means *Old Prices*. The advance of price has been lost sight of amidst the scuffles in the Pit, the examinations at Bow-street, and the commitments to Bridewell. These are what the public *now* complain of, nor will it be very easy to wear them from

their minds. The number of those, who have now had a relation, a friend, an acquaintance, or a neighbour, dragged by thief-takers before Police-Justices, and by those Justices dealt with, is now not small; every day it must become greater; so that, if the dispute continue much longer, inevitable ruin must fall upon the theatre. ——There appeared to me to be something very unwise, on the part of the managers, at the first starting off. To show the *water-engines* to the audience; to treat them with such inexpressible contempt, and especially before it was possible for them to be met for the purpose of opposition, was, to say the least of it, extremely unwise. This unequivocal mark of contempt, together with the construction of the house, by which the middling class of people were shut out from their usual chance of comfortable and conspicuous places, seems to have been the great cause of an opposition to the thing, blended with resentment against Mr. Kemble, who appeared, of course, to be the author of the unmerited indignity. After this it was no wonder, that he became the great object of attack; that he became more obnoxious than all other persons and things put together; that neither his person, his character, or his family, was spared. I was very sorry to see this; because I remember, and *the Electors of Westminster* will, I am sure, when I remind them of it, have the justice to acknowledge, that, during our long and arduous and anxious struggle, in 1806, the whole of the players, all the persons, of any note, belonging to both theatres, were at work against us, *the Kembles excepted*. Indeed, it was, in great part, owing to the dirty tricks and villainies of the theatres, that Mr. Paull, whose fate I shall ever lament, lost his election. But, it was remarked at the time, that, in no instance whatever, did any one of the Kembles interfere. It has, therefore, I must confess, a good deal vexed me, to see this family become the object of popular indignation, while praises have been bestowed upon others, who, at the time referred to, took an active and most wicked part against popular rights, and who, if the opportunity offered, would, I doubt not, do the same again to-morrow. ——When people are angry with one another, when their minds are completely embittered, they view one another's actions and character through a false medium, and very often they condemn that which, at other times, they would applaud. Hence the charges of *pride* and *haughtiness* preferred against Mr. Kemble. Now, the fault of those, whose calling it is to afford amusement to the public, generally is, that they are too supple, slavish, and base. It must be remembered, that the attack upon the Prices and upon the Private Boxes was accompanied by an attack upon Mr. Kemble. The names and epithets bestowed on him that evening cannot have been forgotten. Well, what was he to do? Was he to have *no feeling?* Would an audience of Englishmen have liked to see him come and *crouch* down before them, like a Russian or Prussian peasant before his owner? Is there any man of us, who would have done it? Let us put ourselves in Mr. Kemble's situation, and then see what our judgment will be upon his conduct. The truth is, that, in shewing that he felt resentment, he appears to me to have shewn much more respect for the audience, than he would have shewn, if he had discovered no feeling at all; for, then, it would have been impossible to ascribe his conduct to any thing but contempt. Besides, though Mr. Kemble is a *player*, still he is not to be supposed to be upon a level with every man who acts upon the stage. When we are angry with him, we may ridicule his black-letter taste and his pedantry of pronunciation; but, surely, there is some difference between Mr. Kemble and such a man (I forget his name) as I saw once or twice in the character of Sir . . . . . somebody, in a sort of crying farce, called Speed the Plough. Yes: I am sure an English audience, if they will but take time to cool, have too much discrimination and too much justice to deny, that there is some difference between Mr. Kemble, the faithful representative of Hamlet, Henry IV, and so many other finely drawn characters; that there is some difference between Mr. Kemble and such a man as I have just spoken of, whose chief merit appeared to consist in his wonderful powers of moving up and down the skin of his forehead, and of drawing his eye-brows down upon his cheek or tucking them up under his wig. Yes; (and, I am sure, that no man, whose candour is not stifled by passion, will deny it) there is some difference between Mr. Kemble and an actor like this; and it is not to be supposed, that Mr. Kemble's feelings, upon such an occasion, would be, or ought to be, the same as the feelings of a mere gesticulator, a mere maker of mouths.——It has been urged

against Mr. Kemble, that he has been *enriched by the public*, and that, therefore, his present conduct is marked with *ingratitude* as well as with contempt.——Reader, divest yourself of passion here, or it will be useless to proceed. Now, then, *make the case your own;* suppose yourself of any trade or profession, and that you have acquired a fortune thereby; do you not look upon that fortune as *your own?* Do you consider it as the well-earned wages of your labour, your study, the exercise of your skill; or do you consider it as a *boon* from your several employers or customers? Do you, if you are now retired from business, in looking over your gardens and fields, consider yourself as under a debt of *gratitude* for them? Do you, if you are now labouring for a fortune, consider yourself as labouring to incur a debt of *gratitude?* And, if not; if you look upon *your* earnings as your own; as the fruits of your industry and talents; I put it to your candour to say, whether it be just to consider Mr. Kemble as owing a debt of gratitude to *his* employers, or customers, as having, in short, received his fortune in the way of a boon?—— Amongst the terms of reproach, which Mr. Kemble has, through his want of discretion at the outset, brought upon himself, is that of *upstart*. So true it is, that when once people are thoroughly angry, they never think of what they say.—— Mr. Kemble and his Sister have been *celebrated* as players for upwards of *twenty years*, I believe. And, ought they, at the end of twenty years of a life of such labour, to be called *upstarts*, because they are said to possess considerable fortunes? How would any man who, by his industry, or talent, has acquired a fortune, like to be, on that account, called an upstart? No man would like it; and, really, I am afraid, that this treatment of the Kembles, if it be persevered in, must have the effect of preventing, in future, any very great endeavours to arrive at excellence in acting. It must have a tendency to degrade the whole thing, and to make stage-playing little more than grimace and buffoonery.——In any thing that I have said here, I, by no means, wish to justify, or apologize for, the conduct of Mr. Kemble, if he is to be considered *the author* of any of the insults offered to the public, and especially of the measure of seizing people, seizing *part of his audience*, by the hands of *thief-catchers*, dragging them before a police-justice, causing them to give bail, and some of them to be committed to a prison amongst vagabonds and thieves; and all this for having committed no greater offence than that of hoisting a sign of disapprobation, or making a disapproving noise. The employment of the *bruisers* and *jews* was bad enough; but, it was a more *manly* mode of proceeding. I could easily have forgiven this. It is the employment of the thief-takers, and the endeavour to introduce into the theatre the terrors of *criminal law;* the mischievous, and I can hardly forbear calling it the *malicious*, attempt to brand and to prosecute as *rioters*, persons who expressed their disapprobation, in a place where to express disapprobation, without any limit, had always been the custom. It is this that sticks with me, and this it evidently is, which sticks with the public; or, at least, with every man, who knows how to estimate injuries.——Nevertheless, when I consider how greatly the English stage is indebted to Mr. Kemble; when I consider how much he has done towards preventing mock-sentiment and senseless sing-song from totally usurping the stage; when I reflect, that there is in this whole nation, hardly any person arrived at the years of maturity, who has not derived pleasure from the performances of the Kembles; and, when I consider the character of the English public, in whom vindictiveness was never yet even found towards their most cruel persecutors, I cannot help thinking, that a declaration on the part of Mr. Kemble, that the absolute right *without limitation*, of expressing disapprobation, shall never again be disputed, would become the ground of reconciliation and harmony. ——There are, however, other points in dispute, and, upon these I shall now proceed to offer my opinion, repeating my observation, that I do it with very great diffidence, unacquainted, as I must be, with many of the circumstances, and that I should not venture to offer any opinion at all upon the subject, were it not quite impossible for me to make matters worse than they are.——First, as to the *Prices*, though the initials of Old Prices have become the signal of opposition, it is manifest, and was so from the beginning, that, if the *public*, properly so called, had had their fair share of the room in the House, the opposition on account of prices would very soon have ceased. It is, however, since the question has been so much agitated, worth while to inquire a little into the soundness of this ground of objection.

——From the first it struck me, as I observed in my last number, to be a violation of the rights of property *to attempt to compel people to sell entertainment at the price pointed out by the purchaser*. In a common case, there is no doubt at all that it would be so; but, then, in this case, comes the argument of the *patent* and of the *monopoly*. But, though this has weight; though it forms a distinction between this and common cases, it does not, after all that I have, since last week, attentively read upon the subject, appear to me to be conclusive against the managers.——A *monopoly* always means an *exclusive* leave to do whatever the grant allows of. Now, this is not the case in the present instance; for, not only *may* others obtain permission to act plays, but plays are actually exhibited by other persons at this very time, and in the same metropolis.——I shall be told, that the other persons have not such *convenient places* and such *good actors;* but, really, I cannot believe, that this will be seriously urged against the charge of *a shilling* more for the boxes, and *six-pence* more for the pit, at Covent Garden theatre; I cannot believe this at any rate.—— It has been said, that there is now *only this one* theatre, worthy of the name, and, that, therefore, the public have *no choice*. But, whose fault is that? There is a patent for the other theatre. Why is not that rebuilt? And, if Covent Garden has, by accident, a real monopoly of the profit, it has also had a monopoly of the *expence*. It is impossible not to admire the exertions, which must have been made to rebuild that theatre in so short a space of time; and shall this nation, always so ready to extol and reward industry and enterprize, deny the merit upon this occasion? The *monopoly*, of which so much has been said, does, in fact, arise from the superior industry and enterprize of the managers of this theatre, and were it not for that industry and enterprize, the metropolis would now have no theatre at all. It often happens, that, of two persons of the same profession, or trade, living in the same place, one has all the business and the other none; but, would you, therefore, accuse the first of being a monopolist?——As to the *amount* of the advance in the price, it is really not worth attention. There is no person, who goes into a box, that can possibly think any thing of a shilling, nor can sixpence be worth a thought with any one going into the pit; and, as to what has been sometimes said about *the hardness of the time and the pressure of the taxes*, Good God! do not the managers and the proprietors of the theatre feel these in common with the rest of us?——It is notorious, that within the last 19 years almost every thing has doubled in price; and, though I allow, that the extension in the space of the theatre, and the consequent increase in the number of the audience, make up, in some degree, for alteration in the value of money; still, while *every thing* else is advancing in price, it does appear to me unreasonable, it does appear to me not like Englishmen, for us to object to so trifling an advance of price at the theatre.—— Since the last nine or ten years the journeymen printers have made a stand for a rise in their wages. I have always said to my printers; "Get me my work "done; if your journeymen will not work "at one price, give them another." I have always been against all measures of force, intended to prevent any man, or set of men, from getting what they can for their goods, or their labour, being convinced that every evil of that sort that every system of overcharge will soon be destroyed by its own hands.——I think, that the public have no right to inspect the *accounts* of play-house proprietors, any more than the accounts of any tradesman, who opens his shop door to all customers promiscuously; and, it was excessively foolish in the managers to make *a shew* (for it was nothing more) of exhibiting their accounts. I could not help thinking, upon seeing the name of Sir Francis Baring in the list of inspectors, how evident it was that the *public* had at least *as good* a right to demand a look at *his accounts* for the last twenty years; to overhawl all his loans, &c. &c. when, I believe, they would find, that with much less labour, and with about a thousandth part, perhaps, of the intellect, of Mr. Kemble, he has amassed a great many more guineas than Mr. Kemble has farthings. ——Oh! it is not; say what you will, in your anger; it is not, and you will not say that it is, just; that it is common sense; to grudge this gentleman, the comparatively trifling sum that he has so hardly earned, while you say not a word against masses of wealth, which the contractor, without any labour whatever, has derived from the public.——That *any* description of persons *in business*, persons who are daily conversant in buying and selling, should have objected to so trifling a rise in the

prices at the theatre, would have surprized me; but, I was beyond measure surprized to see that objection made by the *proprietors of news-papers*, speaking in their own persons; because the year has not gone round yet, since *we raised the price of our papers*, upon the very grounds on which the Covent-garden managers have raised the price of their seats. We never thought of exhibiting our *accounts* to the public; nor did any man of us ever dream, that he had incurred any debt of *gratitude* to the public for whatever share of fortune he might have been able to amass.—— These are my reasons for thinking, that, if certain other points were conceded by the managers, it would be unreasonable and unjust to endeavour to compel them to withdraw their New Prices. The advance is, in fact, beneath notice; and, I cannot help thinking, that, when the public give themselves time to reflect, there will no longer be any opposition upon this score.——But, with respect to that part of the *construction of the house*, which shuts out, drives back, and *degrades*, the people, that ought to be done away, and, notwithstanding Sir James Mansfield's opinion upon the subject, I think, that the audience have just as much right to hiss and to hoot at it as they have to hiss and hoot at a play or a performer or a scene that they dislike. It is an *innovation*, and an innovation, too, which must be offensive to the best description of people. It is an erection of distinctions, which did not before exist. This ground of objection ought, therefore, to be completely removed, and, until it be, the opposition will, in my opinion, be not only justifiable, but laudable.——1. Then the circle of *private boxes* should be done away, and the whole of the space thrown open to the whole of the public, as in the old theatre. 2. The "*pigeon holes*," as they are called, should be done away, and the shilling gallery thrown open.—— 3. All the *actions* and *prosecutions*, arising out of the row, should be dropped instantly. ——4. A declaration from Mr. Kemble, in person, on the part of the whole of the managers, that they recognize in the fullest sense of the words, an absolute right in the audience or in any part of the audience, assembled at the theatre, to express, either by signs or noises of any sort, their disapprobation of any person or of any thing within the theatre.——This is what I think the managers ought to do; and, if they express their readiness to do all this, I am sure, that the opposition to the prices will soon dwindle into nothing. Indeed, the whole thing will have been changed; for, the theatre will not, in fact, be the same; and therefore an advance of price may be very consistently justified, in this case, though, in the opinion of some persons, it could not be justified before. ——Amongst the "*terms of peace*," as they were called, proposed some time ago, were included a BEGGING OF PARDON on the part of Mr. Kemble, and the DISMISSION of Mr. Brandon. This was excusable, perhaps, under the circumstances of the moment; but, I am sure, or, at least, I hope, that there is no Englishman, who, upon cool reflection, would propose such a thing. There is a meanness in the idea of inflicting vengeance upon Mr. Brandon, and especially as the party inflicting it would be always hidden from the party on whom it would be inflicted. And, as to bringing Mr. Kemble forward for the *express* purpose of *begging pardon;* to compel him to come forth like a culprit, and humble himself before a promiscuous assembly, including, no doubt, all his private enemies; to insist upon degrading any human being in such a way, as I am sure it is what no man with a drop of English blood in his veins would demand, so I hope, that, for the credit of the English stage, for the honour of theatrical talent and of literature, it is what nothing upon earth would induce Mr. Kemble to submit to.——Such is my view of this matter. As I said before, I must necessarily be greatly deficient in information, as to many points. I may be wrong in my judgment. But, of one thing I am certain, that it is impossible for the subject to be taken up by one with a mind more unbiassed. I will confess, that I am very anxious to see the row and turmoil put an end to. Its continuance can do no good, while by directing the public attention from more important matters, it may do, and is doing, much mischief. I wish most anxiously to see the matter settled by the good sense and justice and forgiveness of the people, and, above all things, that the *law* may have nothing to do with the matter. At any rate, as I said before, if the communication of my opinions, upon the subject, does no good, it cannot possibly do any harm.

MR. WARDLE.——I have not time to remark, at any length, myself upon the Trial (a report of which has just reached me) of MRS. CLARKE and the two WRIGHTS for a conspiracy against this gentleman; but, I cannot refrain from inserting the

following remarks, from the TIMES newspaper, which, upon this subject, expresses my sentiments.—The evidence on the Trial, instead of doing injury to the character of MR. WARDLE, must entirely remove those doubts, with respect to his conduct, which some persons might before entertain.——The only thing for which Mr. Wardle is to blame, is, having ever suffered himself to be drawn into the meshes of the *law*, whose "glorious uncertainties" are, in some places, a standing toast.——Mr. Wardle, in getting into the secrets which he brought before the House of Commons, got, at the same time, into bad company. It was impossible to avoid that. The one was a consequence of the other; and the subsequent consequences have all been natural enough.——It is hard to convict of a *conspiracy*, which is mostly a sort of *constructive* crime; and, therefore, though I retain my former opinion of Mr. Wardle's integrity, and think him now, more than ever, an object of public support, I agree with the TIMES, that the verdict of the jury appears to have been right. The jury were not to found their verdict upon their opinion of Mr. Wardle, but upon the *evidence* they received.——Let us now hear THE TIMES.—

"In the most important Trial published in "our Paper of yesterday, of the two "WRIGHTS and MRS. CLARKE, for a con"spiracy against Colonel WARDLE, a ver"dict was, as the country now knows, "found for the Defendants. The atten"tive perusal of that Trial will enable any "rational and candid man to form the "most correct notion possible of the si"tuation in which Colonel WARDLE is "placed by the result of it. Before we "enter briefly as we shall do into the con"sideration of the general merits of the "cause, we shall observe upon a collate"ral circumstance; that Colonel WAR"DLE's apparent inconsistency in sub"pœning Major Dodd upon the former "Trial, then leaving the propriety of that "Gentleman's examination to the con"sideration of his Counsel, and afterwards "complaining that he was not examined, "is now satisfactorily explained. The "Colonel was induced to dispense with "the examination, from an assurance "that his Counsel was of opinion that "the Jury were with him, and that they "would not find a verdict upon such "evidence as that of Mrs. Clarke and Da"niel Wright. Learning, however, after"wards, that Mrs. Clarke had sworn that "Major Dodd was present when he (the Co"lonel) agreed to pay Wright, Mr. Wardle "instantly revoked his consent to the dis"pensing with Major Dodd's evidence. "But this change of circumstances not "being sufficiently adverted to, the Major "was not called, who would otherwise "have sworn, as he has since done, that "Colonel Wardle did *not*, in any way "whatsoever, make himself answerable "for Mrs. Clarke's furniture. Having dis"posed of this subordinate circumstance, "we now proceed to the merits of the "question at large.——Colonel Wardle, "by prosecuting (with the advice of his "Counsel) the two Wrights and Mrs. "Clarke for a conspiracy, certainly de"prived them of the benefit of each other's "evidence; but it will be pretty clear that "he did not gain much by this, as their "previous testimony was unquestionably "taken into consideration: and the state "of the case, exclusive of Mr. Stokes's "evidence (which we shall consider by "and bye), is precisely this, that we have "on the one side the swearing of the two "Wrights and Mrs. Clarke, that Colonel "Wardle *did* make himself responsible for "the goods in question; and on the other, "the swearing of the Colonel himself, of "Major Dodd, of Mr. Glennie, and of Sir "Richard Phillips, that he did *not* make "himself responsible. On which side "the credibility of the evidence prepon"derates thus far is unquestionable. Co"lonel Wardle, Major Dodd, Mr. Glennie, "&c. &c. to Mrs. Clarke and the two "Wrights; the first, what we will not "name, and the others, one, or both of "them, of a character *to avow her respecta"bility to brother tradesmen.*—The cause, "however, henceforth assumes a different "aspect: Mr. Stokes, the acting Attorney "of Mrs. Clarke, who had advised Co"lonel Wardle to withhold Wright's evi"dence from the House of Commons, be"cause, as he himself says, he did not "think Wright would *conceal* the truth; "and, that even if he would, he did not "think he had head enough to *evade the "question*—this Mr. Stokes and Colonel "Wardle had an interview, from which "interview they come away directly "swearing in positive contradiction to "each other. One of them is, therefore, "certainly perjured; and there being no "creature present but themselves, at this "their conversation, that Being only who "is present every where, knows which of "them it is that speaks the truth. The

"Jury, however, in deciding between "them, have, by their verdict, assigned "the greater credit to Mr. Stokes: and "we will add, too, that it is with the "strictest legal propriety that they have "done so: because being obliged to as- "sign credit to one or other of the two, "their relative situations must be taken "into consideration. Who had the great- "est interest to swerve from the truth? "In every ostensible view, Colonel War- "dle: of whose evidence, therefore, it "was the lot, as both could not be be- "lieved, to be by the Jury rejected. But "if he has been unfortunate upon the ge- "neral issue, he has, at least, vindicated "his character from a thousand slanders "by which it has been aspersed. His "evidence was given in the most manly, "direct, and unembarrassed manner. For "many months past, his enemies and "their emissaries have been every where "publishing the most atrocious falsehoods "against him: he was to stand self-con- "victed of the grossest prevarication; of "suborning evidence against the Duke of "York, together with a variety of other "calumnies. But where does any thing "of this kind appear? The sum of his "offending is this, that he has failed in "his endeavours to prove the conspiracy "against Mrs. Clarke and her upholsterer, "by the unexpected production of the "evidence of her Attorney.——Before "we conclude these remarks, we shall "make an observation or two upon the "different degrees of credibility supposed "to be assigned, by Colonel Wardle's "friends, to Mrs. Clarke's evidence, as "given in the House of Commons against "the Duke of York, and in a Court of "Justice against the Duke of York's ac- "cuser. The truth is, as Mr. Whitbread "stated, that for this woman's evidence in "the House of Commons there was not "the least occasion, if her written docu- "ments, of *uncontradicted authenticity*, could "have been obtained without her personal "production of them. With these docu- "ments, the Charges against his Royal "Highness would have been just as "fully substantiated as they ever were "substantiated, *even supposing she had "never spoken a word.*" —— I cannot help adding one remark. What a sub- ject of *joy* it must be to the friends and *defenders* of the Duke of York, that, ac- cording to their own opinions, real or af- fected, they have now PROVED *Mrs. Clarke to be a most excellently* TRUE WIT- NESS! What a subject of joy to them and their royal patron! This is the very woman, who, in the House of Commons, the Attorney General declared not to be believed upon any account whatever! It must be very consoling to his Royal High- ness to see, that his *Darling*, who was, by his friends, called by all manner of foul names, is now become a woman of *un- doubted veracity!* We, who were looked upon as political enemies of the Duke, only insisted, that her evidence was en- titled to some weight, when strongly *cor- roborated* by *indubitable* testimony; but, his *friends* have now made her out a good witness of herself. It is time, therefore, for us to read her evidence before the House of Commons over again. It is va- luable now. It cannot now, by the *friends* of the Duke, be called in question.—— The payment of 10,000 pounds for the suppression of *her book* was asserted by the counsel. In fact, this is pretty no- torious; and it follows, of course, that she is now in *friendship* with those who gave her that *ten thousand pounds*. Lord Ellen- borough is reported to have found fault with the counsel for saying that the *ten thousand pounds* came out of the *public mo- ney*, because no *proof* of it was brought forward. Very good; but, if it be true, that ten thousand pounds *were given her*, what sort of people must those be, who would give her the sum; what must their actions have been; and *at what would they stick?*

WM. COBBETT.

Botley, 14th Dec. 1809

*** I am happy to hear that a Public Meeting will be held at the Crown and Anchor Tavern, Strand, on Monday next, for the purpose of expressing the sense entertained of the manly, independent, and undaunted conduct of Mr. Wardle, and to consider the propriety of immediately en- tering into a Subscription to indemnify him against all losses, charges, and ex- pences he may have sustained, or be lia- ble to, in consequence of his exertions in the public behalf, during the last Sessions of Parliament.

CHANGE OF MINISTRY.

SIR; It is not an uninteresting subject of speculation, to remark the absurdities into which men of talents sometimes suf- fer themselves to be led. This is re- markable in every department of science,

but still more so in politics. Where these errors are involuntary, they are to be lamented; but where they are spread for the purposes of faction, they are utterly detestable.—I have been led into this train of thinking, Mr. Cobbett, by reading your observations, in your Register of last week, in reply to the Editor of the Morning Chronicle. If you can apply them to yourself, you are at full liberty. You conclude the observations in question, by saying, you pause for a reply. Mr. Cobbett, you shall have it; and if, as you assert, you have the fairness to give to the public the reasonings of your adversary, I shall make your own Register the vehicle of your refutation.

To such individuals as take the trouble of thinking for themselves, the fallacy of your assertions will require no exposure; they can tear off the gloss with which you have covered them, and view your errors in their native absurdity. But your Register is read by too many, who are content to take both facts and reasonings upon trust; and who are, therefore, apt to be deluded by bold assertion and shallow sophistry. In attempting to prove that a Change of Ministry would be of no real benefit to the nation, you dogmatically lay down ten questions, to which you demand a categorical reply, and which contain the ostensible grounds, upon which you form your conclusion. I shall wave my power of putting a simple "negative" upon your right, as an individual, to propose such questions. I shall likewise make no observations upon the fairness of your summary method of proceeding, in condemning the motives of high and honourable men, from the unauthorised answers of the editor of a Newspaper. The questions you propose are, at all events, of so complicated a nature, that the answers to them would be more voluminous than either the limits of your Register or of a Newspaper would admit of. But, Sir, who constituted these questions the criterion of the utility of these men to their country? Or even supposing a negative put upon the whole of them, shew that a Change of Ministry can be of no benefit to the nation. This link in your argument you have unluckily neglected to fill up; but, until it is supplied, your conclusion cannot be legitimate. But surely you could not be serious, Mr. Cobbett, when you proposed such questions to the Editor of the Morning Chronicle. You must, I think, have been sensible that they are questions to which neither he nor any other private individual could reply. They should have been addressed to those to whose principles and conduct they relate, and to which they only could reply, collectively and in a body. Though I thus profess not to answer the questions you have proposed, you will find I touch, in the following observations, upon some of the subjects to which they relate. Before, however, I proceed further, I shall state how far we are agreed.—We both of us admit, that the present ministry are a body of men, who derive respectability neither from rank or talents: that their principles are as abominable as their imbecility contemptible: that their policy has been ruinous to the country, and has rendered us in several instances the laughing-stock of Europe; that they have proved themselves incapable, by their want of the necessary qualifications, of guiding with wisdom and decision, the affairs of the nation at a crisis like the present: and that they are worthy, from their principles and their conduct, of being driven forth from their situations, with the scorn and indignation of the country. But you assert, that though their opponents be men of more enlarged views, and infinitely superior in talents to the present ministry; their principles are at bottom equally depraved, and they will do nothing for the real benefit of their country; or, for the sake of accuracy, to state your proposition in your own terms, you maintain that "with respect to their views and intentions, as to all those matters in which the people have an interest, the two factions are perfectly upon a level; and that, therefore, any Change of Ministry, which should produce merely the shifting the salaries from the Ins to the Outs, would be useless to the nation." It certainly is, Mr. Cobbett, an intuitive proposition, that the mere shifting of salaries is of no importance to the nation; and, in this view, few will be so bold as to put a negative upon so well-founded an assertion. But, in the present instance, I insist this would not be the case; and that the nation, by the Change of Ministry, would enjoy many and important advantages. A few of these I shall proceed to point out. The nation might depend, in the first place, on an intire change of the external policy by which the present cabinet has been, and still continues to be guided. We would not have so constant a succession of Secret Expeditions, nor have these expeditions so

constantly ending in disaster and disgrace. We would not have the resources of the country so shamefully misapplied, nor our brave soldiers exposed to a pestilence, more destructive than the sword. They would ever keep in mind, that the object of all war was peace, and would not blindly prosecute a hopeless or unprofitable hostility. With regard to your questions, Mr. Cobbett, relative to the diminution of the taxes, the present situation of our affairs is not such as to admit of it. The ministry may find it necessary to equip fleets, and fit out armaments; and in that case, from the complicated expences such equipments involve, I believe no serious diminution could immediately take place. But happy, Sir, is the people, who can buy with their money, that safety which other nations purchase with their blood; and who, by a per centage on their income, enjoy a cheaply bought security. On this we might depend, that should our rulers find it practicable to obtain the blessings of peace, we should then have a diminution of our burdens; but should war still continue, we would be able proudly to say, in your own words, "That, though the loss and sufferings of our army have been great, they have not fought and bled and suffered in vain. They have returned, though few in number, perhaps, covered with glory, not with disgrace. The King of Great Britain may hold up his conquests, as the price of his peoples' sacrifices. He may say to them that, if he has called upon them for great services, he has given them in exchange perfect security. The people of Great Britain dread no enemy; they are haunted by no fears of invasion; they are in a settled state of things." These, Mr. Cobbett, are the glowing colours in which you have pourtrayed the situation of the people of France; and a Change of Ministry is the only means by which these advantages can be rendered our own. The safety of the nation would be rendered more secure, by bestowing on the Catholics, those privileges which, as citizens and freemen, they have a right to demand. And were they, in the whole course of their administration, to achieve nothing but this single act, the nation would derive (deny it, Mr. Cobbett, if you can) material and important advantage, from a Change of Ministry. I shall proceed but little further. I have already pointed out some benefits, and could anticipate many more, to be derived from the expulsion of the No-Popery gentlemen from office. What their conduct would be, in any of the instances you choose to mention, it is not incumbent on me to point out; suffice it to say, we should be governed by men with wisdom to discern, and uprightness to carry into execution, those measures that would ensure the prosperity of the country. We should find among them no Wellesleys, no Castlereaghs. Ministerial influence would not shelter corruption, nor the great ends of justice be baffled by a ministerial majority. If these advantages are worth nothing, your conclusion is just; if they are of importance to the people, it is erroneous. I, too, pause for a reply. PHOCION.

30*th Nov.* 1809.

TO MAJOR CARTWRIGHT.

From the Author of "An Impartial Examination of Sir Francis Burdett's Plan of Parliamentary Reform."

Sir;—You did justice to my sentiments when, in your letter published in Mr. Cobbett's Register of the 14th of October, you expressed a belief, that you would ensure my thanks by convincing me I had misunderstood a fundamental principle of the British government. Unconnected with any party, and, as I hope, superior to the little vanity which is offended at being taught, I feel, and at all times am ready to express my obligation to those who would rectify my mistakes, or extend my knowledge: while as yet but little known to fame, and almost at the commencement of my political career, I cannot but feel gratified that Major Cartwright should, through the medium of a widely circulated, and justly celebrated journal, have publicly addressed me on the important subject of Parliamentary Representation. These being the sentiments by which I am actuated, I feel confident you will do me further justice to believe, that it is no adherence to a sect, no sentiment of humbled self-importance closing my understanding against the truth, which renders me, notwithstanding what you have urged, the unshaken advocate of Triennial Parliaments.

From what you have urged, it does, indeed, appear, that annual Parliaments are conformable to the spirit of our ancient laws. But the question rests not here. The ancient laws which compose the British Constitution possess no intrinsic, or mystical excellence—they are but a means

to an end, they are valuable only as they conduce to human happiness. Hence, in every question of Political Reform, the statute book is not our ultimate appeal—it derives its authority from public good, and this good, as I shall now endeavour briefly to explain, requires that we should prefer Triennial Parliaments.

And first I must remark that Parliamentary Representation and Political Liberty are by no means convertible terms—they stand for ideas which are not only perfectly distinct, but which have no necessary connexion with each other. Political Liberty, is, "the freedom from all re-"straint except what redeems its partial "inconvenience by a balance of public be-"nefit." Parliamentary Representation is something very different—something which may be conceived to exist, in the utmost perfection, where liberty is infringed by a thousand unnecessary institutions. In a country where suffrage should be universal, and elections annual, the predominant religious sect might (and in an age of bigotry certainly would) load their fellow citizens of an opposite persuasion with the most oppressive exclusions and inquisitorial pains; while if the science of wealth was ill understood, a few interested traders, under the pretence of encouraging commerce, might obtain a monopoly against the public. On the contrary, in an absolute monarchy, a prince of patriotic feelings, and enlightened understanding, might establish perfect toleration, and abolish most of those regulations, which without benefiting the public, fetter the exertions of individual man.—Thus we see that oppression may exist in conjunction with the most perfect system of representation, and that a considerable share of liberty may obtain where representation is unknown.

But though Parliamentary Representation is not identical with Political Liberty, it is, particularly in great communities, the means by which liberty can best be perfected and secured. Now it is evident that liberty will ever be secured and perfected, in proportion as those, to whom the legislative functions are deputed, possess wisdom to discover, and virtue to abolish the restraints which fetter the individual without benefiting the public. Hence the great end of representation is to return talent and integrity to the legislative assembly: and if it can be proved that this end would be better attained by triennial, than by annual parliaments, then triennial ought to be preferred.

If Parliaments were rendered annual, the representative would be brought more under the controul of his constituents. Now as it is impossible that a representative should, on every political question, coincide in opinion with those by whom he is returned, bringing him so completely under their controul would hold out to him a perpetual temptation to speak and to act, not in conformity to his own sentiments, but in compliance with the prejudices of those whose votes were to be conciliated against the approaching election. The moral conduct of men is influenced more by the temptations, than by the duties of their stations. Though some might be found, whom no fear of losing their seats could induce to surrender their principles, yet, if members sat but for a twelvemonth, the great majority would, in the senate, have an eye to their next return, and deliver electioneering harangues rather than deliberate for the good of the country.

To talent annual parliaments would be still less friendly. The person who compromised his sentiments, in order to conciliate his constituents against the next election, would gradually impair the powers of his understanding, and yield credence to the prejudices, and contracted notions which he habitually espoused; while he who gave utterance to the deductions of an enlightened mind, and unfolded those liberal principles, on the observance of which the prosperity of nations depends, would shock the prejudices of the ignorant, encounter the hostility of those who profit by monopolies and exclusions, and, on the next election, would be sent back to a private station.

In triennial parliaments these evils would be in a great measure obviated. Freed from a perpetual dependance on their constituents, representatives would have fewer temptations to surrender their principles, in order to secure the ensuing election: while the length of time between each election, would allow passion to cool, and prejudice to loose its hold; would enable electors to experience, before the next return, the benefits of those measures, which at first their ignorance condemned; and would thus preserve them from the pernicious, and degrading mistake, of preferring the turbulent adventurer to the enlightened master of legislative science. Triennial parliaments would not, indeed, bring with them that visionary perfection which no human institution is permitted to

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attain. They would not entirely remove the temptation to sacrifice principle at the shrine of prejudice, nor, in every instance, ensure the election to political wisdom; but they seem to constitute the middle path between two destructive precipices; to be the only means of avoiding, on one hand, that devotion to the court, which, when parliaments are septennial, enables a minister, however incapable and corrupt, to command a majority in the House of Commons; and, on the other hand, of shunning that excess of popular influence which would exclude, as we are told is the case in America, integrity and talent from the administration of public affairs, and return to the legislature whatever passion or prejudice happened to be the epidemic of the day.

Thus, Sir, I have stated, as clearly as I am able, my reasons for preferring triennial parliaments. Should you have any thing to urge, either against the soundness of the principles I have assumed, or the justness of the conclusions I have drawn, your objections shall be weighed with the patient impartiality natural to one who is solicitous to ascertain the truth, and impressed with the importance of unanimity of sentiment among those who advocate reform.

London, 30th November, 1809.

THE EDINBURGH REVIEW.

Sir,——You and your Correspondents have treated an article in one of the late numbers of the Edinburgh Review on the subject of the Reform of Parliament with a severity not more than it apparently deserves. I am convinced, however, that you were wrong in supposing it written to serve the party you conceive the author of that work to be attached to. I believe it to contain the genuine sentiments, or more properly the dreams, of the gentleman who wrote the article. It appears, I grant, most extraordinary at first sight, that a man of education and abilities (and such the writer certainly is) should at this time, lay down such positions as, That the government of this country is now substantially vested in the House of Commons; that the house is composed of those distinct classes sufficiently balanced who represent, 1. The King, or the executive government, 2. the Aristocracy, and 3. the great body of the people. And though this be not according to the original principles of the constitution, happily all that is good in those principles is preserved and subsists, nay, the voice of all ranks of the community is now heard in the house of commons to better effect than according to the old way of keeping the several branches of the legislature distinct. The wonder, that such a man should write and think thus, ceases, when we reflect that one may have had the best education and possess great abilities, while he is completely ignorant of what is passing in the world. It is impossible that any man of honesty and common sense, who had paid attention to the proceedings of the house of commons for the last ten or twenty years, could have written the article in question, which betrays the most extreme ignorance and self-conceit. In opposition to the theory he considers so beautiful, may it not be said, that though the voice of the people sounds, it is not listened to, and is often drowned. It is strongly suspected (though our theorist seems not to be aware of it) that, besides his three classes, there is a fourth, and not the least numerous, which cares neither for king nor lords nor people in the aggregate, thinking only of themselves and their own selfish views; and as these can be promoted only by the ministers for the time being, it gives the executive government a preponderance which sinks the party of the people to nothing. The way by which this class procure access to the house is very apparent, and the first object of the reformers is to exclude it. Granting that there is such a class, the Edinburgh Reviewer on his own principles must be for excluding it. Instead, therefore, of a fanciful system, the Reviewer should attend to facts, but that is not the custom of fine writers like him. How destructive of his fine spun work would it be to give a list of the members of the house of Commons who voted in the case of the Duke of York?——But you are well aware, Mr. Cobbett, that a Review cannot be the work of one man; and that one article must not be in flat contradiction to another; yet, if you carefully attend to the Edinburgh Review, I believe you will discover that there are gentlemen concerned in it, who entertain very different sentiments from the author of the article you have commented on, with regard to the house of commons. In the last number, is an article on the Conduct of the War, from the most masterly pen, and lest you should not have the work before you, I beg leave to transcribe part of the conclusion, believing you will agree

with me, that it cannot have too much publicity: and, therefore, that you will give this a place in a work so universally read as your Register.—After stating the particulars of our famous expeditions to Spain and Walcheren during the present year, the writer says: "After all these failures "confessed, the only excuse of ministers, "the only attempt they make to regain "the confidence of the people, is to tell "us, 'That the king has reigned fifty "'years.' They have ruined our allies; "they have failed in every plan; they "have brought us through slaughter and "disgrace, loaded with ignominy and "weighed down almost with intolerable "burdens, to the very brink of destruction, "but 'the king is old and has reigned "'half a century.'——It now remains to "be seen whether that parliament which "stands in no need of reformation, which "speaks the sentiments of the country, "which is a fair representation of the peo-"ple of England, will be satisfied with this "set-off, and once more acquit the ministers. "We cannot anticipate the decision, but "if unhappily every measure and every "minister should again be covered by the "approbation of parliament, then we ven-"ture to predict, not that the government "is acquitted, but that parliament stands "condemned, and we should most un-"willingly be compelled to appear in "the foremost ranks of those who acknow-"ledge that they are convinced and con-"verted. It is needless to disguise the "matter; a refusal to punish the authors "of our misfortunes can only mean one of "two things, either that there has been no "blame incurred, or that it is inexpedient "to declare it, because such a resolution "would drive the guilty persons from the go-"vernment. In the one case the parlia-"ment will shew, that it is not the repre-"sentative of the country; in the other, "we shall have a conclusive proof that "the ministers of the crown are immove-"able. Responsibility will be no longer "even a name, and the people will thence-"forth recognize in the present council of "the nation, not the guardian of their in-"terests, and the champion of their rights, "but a well contrived instrument of tax-"ation. The consequences of such a de-"cision will be productive of incalculable "mischief; it will complete the alienation "of the country from the government, "and shame away the boldest defenders "of the present system."——I am yours,

Nov. 30, 1809. T. R.

SPECIAL JURIES.

Sir; As every topic which relates to the jurisprudence of this country, must be regarded of serious import, I should feel myself inexcusably negligent, were I to pass over lightly any thing affecting so interesting a subject as Trial by Jury; I therefore sit down to answer the observations which your correspondent, S. has made upon my letter of the 30th September. Though I do not discern any argument of your ingenious correspondent, which at all inclines me to alter the opinion I had formed and expressed respecting the present organization of Special Juries, I am glad the discussion has been renewed, because I am satisfied that nothing so effectually tends to the correction of abuses, as the frequently bringing them under public consideration. What I have stated in my former letter, appears to me, and I think I shall satisfy your correspondent, is strictly tenable. In insisting that the persons composing ordinary Juries are not of the description intended for the office of Special-Jurymen, I ought not, and I trust am not considered, to be aspersing or complaining of Common Juries; I merely wish to discuss the subject upon principle, and upon that distinction which I contend the constitution has pointed out; and in so doing, I disclaim all intention of maligning any class of persons. I mention this to prevent an unfair prejudice being excited, at the expence of the understanding. I must again premise, that from time immemorial it has been a custom in this country to try causes of nicety before a select tribunal, called a Special Jury; and that this privilege, which it depended upon the discretion of judges to grant, though seldom or never refused, was by an act of the legislature given to the subject as a matter of right, and that it is therefore a part of the constitution, that every man, who so chooses, shall have his cause tried by a Special Jury. The expence attending the exercise of this right, including the sum paid to the jurymen for their attendance, is, I believe, about ten pounds. The question, therefore, to be solved, is, what class of persons the legislature intended should compose a Special Jury; it being perfectly clear, that such class is to be contra-distinguished from the persons serving on Common Juries. Now, Sir, shopkeepers, among others, are called upon to perform the functions of ordinary Jury-

men. Will your correspondent contend that property alone will qualify a common Jury-man for discharging the office of a special-one; and that the mere adventitious circumstance of his having by his own industry, or the liberality of others, acquired a freehold estate of the annual value of 20*l.*, creates in him immediately all the necessary qualifications for the exercise of such a duty. If your correspondent cannot successfully so contend, then is it clear, that a shopkeeper with such an appendage of property, is not the person qualified for, or intended to be, a Special Jury-man. But, Sir, if this question could be considered still problematical, it would cease to be so, when it is remembered, that Special Jury-men are denominated esquires, and that a tradesman with the before mentioned acquirement, is not entitled to such an appellation. We are not now regarding the daily abuse of titles in common life, but an esquire according to its legal import and definition. This brings me to the position which I contended for in my former letter, viz., that it is an abuse of office to class as Special Jury-men, such persons as I have already noticed: and I repeat, that if sheriffs continue such a mal-arrangement, as the continuance of the usage of their predecessors, I hold it to be an imperious duty in them, to add to the names of the Jury, their respective trades, and the places where such trades are carried on. If such persons are to fill the office of a Special Jury, it is at least fitting that every man should know who he is selecting for superior probity, nicer talents, and more refined sentiments of honour and virtue, should such be his object in choosing such a tribunal. Your correspondent objects, Mr. Cobbett, that my observations are not well founded, and that I have not considered the subject deep enough, because, as he asserts, the trading part of the community is by far the most enlightened and the most moral; and that their verdict upon all occasions, will be more satisfactory than the verdict of such persons, as I have contended ought to be summoned on Special Juries. To meet the arguments of this gentleman, the subject must be divided into two branches; the first, comprehending the intention of the legislature in respect of the organization of Special Juries; and the second, how far the privilege afforded the subject, can be said to be beneficial to him. Upon the first division of the subject, I have already stated my sentiments fully, and I should hope satisfactorily; I shall now shortly say a few words upon the second. Your correspondent complains of the depravity of the men of fortune of the present day; and he contrasts the qualifications of a modern gentleman, with those of a man formed under the admirable precepts of Mr. Locke, as given in his Treatise on Education. I lament, Mr. Cobbett, equally with your correspondent, that a finished education, and the manners of a gentleman, should be yielded victims to the "parade and pageantry of a Whip-Club," and "the attitudes of a Bruiser." I exceedingly lament, Sir, that your correspondent, in such language, should have so pertinently described the inglorious pursuits of the age in which we live; but, Mr. Cobbett, much as I am reluctantly compelled to accede to the censures of your correspondent, I cannot go along with him so far as to imagine for an instant, that 48 men of fortune cannot be found in so populous a county as Middlesex, or indeed in any other, of superior education, talents, probity, and domestic virtues, to so many shopkeepers. I cannot for one moment imagine this, nor do I think the fact will at all bear out your correspondent in the observation. However the habits and amusements of modern life may tend to corrupt the morals, and depreciate the understanding, it must not be forgotten, that the son of a man of fortune has at least the ground-work, the elements of an education; which it is the lot of very few, indeed, of the inferior classes of society to possess: It must not be forgotten, that he is, in his early life, disciplined under masters of acknowledged abilities, and unsullied virtue; and that he has instilled into him from the earliest period, by the perusal of scholastic treatises, sentiments both honourable and liberal: that he has at least a foundation laid, upon which to raise a most admirable and finished superstructure; and when we consider, that it is not the quality of human nature to be suddenly and easily vitiated; that "nemo repentè turpissimus;" I cannot coincide in the sentiment, which would exclude the utility of a Special Jury, and contend for so valuable an institution being worse than obsolete, on the sole ground of there being none qualified to fill the office. For these reasons, Sir, it is I contend, that the Trial by a Special Jury, will be found, in many cases, to promote, better than by any other, the ends of justice; and that the pre-

sent organization is not according to the spirit of the constitution, but defeats every useful purpose for which a Special Jury is chosen. I do not, Sir, impute any thing interested in the observations of your correspondent, and I am persuaded an equal degree of ingenuousness will preclude him from entertaining such an opinion of mine. I am, Sir, &c., W. F. S.

Lincoln's Inn, Nov. 30.

ON BANKING.

Sir; I make no apology in addressing you upon this subject, because I know it is exceedingly interesting to you, and to the public. To reach their eyes, the Weekly Register is probably the best medium. I shall be very concise, although the consequences of this system requires great amplification and illustration. I shall state the advantages, the disadvantages, and how the present evils of it may be remedied.——I. The first and greatest advantage is the substitution of a paper medium for one of gold and silver; a very cheap instrument for a very costly one. The substitution of paper for the precious metals, when Banks are under proper regulations, does not add to the amount of money in circulation, but acts altogether as a substitute for gold and silver, and is not super-added to what previously was in circulation. By this substitution the precious metals have become useless, as an instrument of circulation at home, and are therefore sent abroad as an article of merchandize; and, in returns, are added to the active capital of the country. This, no doubt, constitutes no small part of the national wealth. This accession, however, of active capital, through the exportation of specie, has been pushed too far. The security of the paper is lessened by it; but the evil is capable of a remedy, as I shall shew hereafter.——II. The second advantage arising from this system is, that industry and commerce is greatly promoted, both by the Bank of England and the unincorporated Banks, by making judicious loans to deserving men, who sometimes, with little or no capital, have, by a proper use of such credits, advanced their own, and the national wealth. It is owing to this advantage, in conjunction with the preceding, that has enabled the merchants of the United States to extend their commerce, and acquire that wealth, which they so suddenly have done; and not, as the author of "War in Disguise" attributes it, to the covering of neutral property.——III. A third advantage, which is practised in Scotland, and probably by most of the unincorporated Banks in England, is the allowance of interest on deposits. This enables the merchant to do more business, as well as the Banks, because they, by this means, receive greater deposits; and the expence of the merchant being less, he can afford to extend his trade; he need not keep money by him unemployed to answer occasional demands.——IV. Under judicious regulations, a fourth advantage to this system arises by permitting a free competition, with the same advantages to all. By a free competition, greater security is given to all; for no one will then be able to extend their notes in circulation out of a proper proportion to their capital. Whereas, if the whole business were confined to one institution, that institution, with a small capital, might fill the whole circulation; and if, in addition to that, parliament makes a statute, which enables this institution to dispense with answering their notes with the precious metals, it can do the whole business with no capital at all; and, consequently, with no security at all.——The disadvantages of the Banking system are: I. That when Banks are unrestrained in the emission of notes of all descriptions, they will necessarily banish all the precious metals from circulation; and becoming useless for that purpose, are sent abroad. This is the cause of the embarrassment the country now suffers under from these institutions; it is the cause of the depreciation of the circulating medium; there is not specie enough to answer occasional demands.——II. A second disadvantage is, that when Banks are under even the best regulations, the paper medium cannot, in the nature of things, be so perfectly secure as the precious metals; the effect being to banish them, they cannot instantaneously be recalled. To do this, it is necessary to wait the slow operation of commerce. A country, by wanting this security, might suffer infinitely more than the acquisition of active capital has been of advantage. The idea of preventing the exportation of specie by statute is perfectly absurd and impossible, and unworthy of an enlightened legislature.——III. In time of war especially every wise government ought to have its wealth and credit and the property of every individual supported by the best possible basis; and undoubtedly a nation so very wealthy as this country ought to

have none other than a gold and silver circulating medium, even in times of peace. It is an object of the first consequence to consolidate its wealth; to be prepared to meet events, especially in time of war; to prevent fluctuations in exchanges; and, indeed, to give a stable price to every article of exchange, of commerce.——The depreciation of the circulating medium may be dated from the time the Bank of England was dispensed from the payment of specie for their notes; from that moment the decline has indeed been slow but certain. This was done in the administration of Mr. Pitt, and was equally a proof of the temerity and ignorance of that minister in this branch of political œconomy. That crisis was brought on by the Bank's issuing too much paper, and the most obvious of all remedies was to oblige them to call a part of it in again, and to restrain certain notes from being again issued. To remedy the evils of the present circulating medium is certainly possible, and very important; for, unless a remedy is applied, it is difficult to perceive how the credit of Bank paper, or that of the nation, can be supported. I will not say it is not possible; but I am much mistaken if that of the nation is not now supported by the Sinking Fund. In proportion to the depreciation of paper will be the increase of emission, until the depreciation will be as great as that of Denmark, Austria, Prussia, and Russia, and will end as they will probably end: the immediate cause of their depreciation, is the overflowing the circulation, without there being provided any means of redeeming any part of it, as is the case in this country with the Banks; and when our government redeems any part of its debt, it is altogether impossible to realize it in specie. It is worthy of remark, in this place, that the government of France sees the errors of its neighbours, takes advantage of them, and avoids them. That government appears to possess all the intelligence, and all the wickedness, of all the governments that have ever existed. It has never been remarked by our statesmen, but undoubtedly one of the principal causes of the success of the French arms, has been the wretched state of the circulating medium of those nations which France has combatted. Paper, to any mount, is issued to supply the necessities their governments; no method arranged its redemption, or to controul its depretion. The faith of their governments is sufficient, in time of peace, to give it some value. A war with France is threatened; to prepare for this event, great issues are necessary. A battle ensues, and, as has been commonly the case, the arms of France bear off the victory. Immediately the credit of the circulating medium is nearly destroyed; gold and silver are banished; the revenues and loans and resources of the country being payable only in this paper, is of no value. The government consequently cannot rally its army; they have no supplies, or if rallied, so feebly is it done, that it is only to be defeated again. It was so, this present year, with Austria. It was so, in 1806, with Prussia; the Obligations of that government fell 90 per cent. under par after the battle of Jenna. The currency of Denmark is now 75 per cent. below par; the French, in a single battle, would overthrow that monarchy. In Russia, an empire whose natural resources are second to none on earth, the silver ruble is worth three paper ones of the same nominal amount; and scarce a silver one to be seen. In 18 months, in all probability, the paper ones will be worth nothing; and when they are so, Napoleon will soon seek an apology for war with Alexander; and Russia is found without resources. Alexander is sent to Moscow. The government of that country appear to be too ignorant to see the evil, or, at any rate, to remedy it; and probably, if they had the wisdom to do it, Napoleon would enjoin a different project. Amidst this wretched state of the currency of the Continent, France and Holland have theirs of the precious metals; subject to no mismanagement or depreciation. Will not England take warning of her neighbours? Is not this a lesson for our government? The exchange between this country and Hamburgh has been from 20 to 30 per cent. against us, for the last seven months. This must be certainly owing to the depreciation of our currency; for our exports to the continent have been many times greater than our imports. The quantity of colonial produce and British manufactures smuggled from Heligoland to the continent has been truly astonishing. Instead, therefore, of the exchange being against us, it ought to have been in our favour; and no doubt would have been so, had the currency of this country maintained its nominal value. It is true, the remittances, in aid of Austria, have had their influence on the exchange; but these would never have

been made to the disadvantage of the country, had our currency been of the precious metals, or had there been no depreciation of paper. At this moment the exchange is getting better, but this must be attributed to the remittances made by the Americans, who have got their cargoes into Tonningen, and so to Hamburgh; of which there has been between one and two hundred sail. Those persons who wish the national debt dissolved, will probably be gratified, if the present state of the Banking system goes on several years longer; and if this was the only evil to be apprehended, this prospect might honestly be a source of sincere congratulation. But it must be remembered, that not the national debt only would become of nominal value, but the circulating medium, the representative of the whole wealth of the empire, would become so; it could no longer perform its functions. There would be no substitute; the precious metals are abroad, and can only be recalled by the slow operations of commerce. In the mean time we have an enemy thundering at the gates; he has nine times the physical strength that we have. We are become his only enemy. He has been watching for this crisis. He knows the destruction of this country is the only way to consolidate the present order of things in France; this alone will give perpetuity to his usurpation. But while this empire remains unimpaired, his death will be the signal for another revolution. In the distracted state of the finances of this country, which seems to be threatened, all his energies will be put forth. Confidence among ourselves, how could it continue? The body-politic in a convulsion, without nerves! and more than this, I leave for the imagination of your readers.—The declension of our commerce abroad has been certain, but the depreciation of our currency has been greater; and, therefore the nominal amount of the revenues have encreased, while the real value has diminished. The government and the nations are under this delusion, they think we are prospering while we are declining. It is analogous to the patient under a consumption, he believes, till the moment of his death, he is getting better and better. While every mail brings us accounts of new obstructions to our commerce, the government certainly ought to second the drawing in of so much of it (since there are new hazards to its extension,) as will place our national wealth upon its surest possible basis, which can only be done by substituting the precious metals for the present currency. This brings me to the last consideration, the remedy to be applied to heal the present evils; or rather the mode best adapted to restore to the country the precious metals, or to make paper have the true representation of them.—To expect to abolish the monopoly of Banking, and to have established a regular competition in incorporated companies, is certainly absurd to calculate upon; nor do I know, since the competition is already very great from the unincorporated companies, which must be nearly as efficient, that it is indispensable. Indeed I think it is not.—It is evident, that as the precious metals are banished abroad, should Parliament pass an act obliging the Bank of England to answer their notes with specie, it would be altogether impossible for the Bank to comply. To oblige them, and all other Banks, to curtail their emissions, would be a law, that might so easily be evaded and so difficult to enforce, that this likewise would be inoperative; nor if it could be enforced, would it probably answer the purpose of recalling the precious metals into the country. The only judicious remedy then, is to prescribe by act of parliament, the circulation first of notes of certain descriptions. It must not be by obliging the Banks to call in their largest notes; for this would be making way only for those of other denominations. But it could not be so, if it were enacted that first one pound notes and under should no longer circulate; for then, that part of the currency which is now of necessity filled with notes of this description, must of necessity be filled with specie. It is very probable that half the money in circulation is money of this denomination; but no doubt a great part of it acts in the office of notes of a higher denomination; of course notes of a higher denomination would be immediately issued, to fill the void occasioned by drawing away the one pound notes; but for all that sum which circulates of necessity in the office of one pound notes, must be, could only be supplied by specie: and no doubt this sum is immense, probably it may be one quarter of the whole circulation. The Banks would be compelled to curtail their discounts, to answer for the one pound notes flowing in upon them. The merchants would certainly be distressed

for money; but this is the gentlest remedy the disease admits of; and perhaps it would be necessary for the government to stand and aid the Bank with new coined guineas to relieve the pressure; and in doing this they would have no cause to fear the guineas would be sent abroad, for they would instantly be absorbed into the circulation to take the place of the one pound notes; from which it will be difficult, nay impossible to draw them. After the community had recovered a little from this distress, which might perhaps be 3 or 4 months; then let the act proscribe two pound notes in like manner; again, after a suitable season, three pound notes; then four, and so on to at least twenty-five pound notes, and all between these and fifty, &c. &c. So that there must be restored to the circulation all the specie necessary to make exchanges with under twenty-five pound notes. It would probably take twelve months, with successful foreign commerce, to relieve this absorption of so much of the real, for the factitious, wealth of this country. After this quantity of specie got into circulation, no doubt the Bank of England would find no difficulty in answering with specie all the demands that would be made upon them; and consequently all other Banks could do so too. When, therefore, they should be obliged to resume their answering all demands in this way, there would then be no difference between the value of paper and bullion, because bullion could instantly be realized for it. The exchange between London and Hamburgh would without doubt be in favour of England. This then, in time of peace, would be a happy state of the currency of the country. It might with great safety rest here. But a country so wealthy as this, and so frequently at war, ought to have no paper circulation. The immense demand for specie to support foreign expeditions, will occasionally cause paper credit to vibrate, and sometimes weaken it; but if there were no paper in circulation, of course all the revenues of the country would be received in specie, and the government in consequence would find no embarrassment in collecting what would be wanted to support these expeditions, and the banks would feel nothing of them. Is not this a most desirable state of things? Is it not, in these evil times, the first obligation of the Government thus to consolidate the national wealth? The energies of the country could not then be shaken. It is true it could only be done by diminishing in a like degree, the active capital of the country; but what would be lost to commerce would be of small consideration, when compared to the greater additional security and strength the country would derive from it. If this remedy be not pursued, it needs no great perspicuity to see that the present currency must suffer a continued depreciation, and what is lost by depreciation must be supplied by additional emissions until * * * * * * * * * * I have extended these observations much beyond my intention when I commenced. A great deal yet remains to be said; but I shall suspend them, at least for the present.——An Oeconomist.

Nov. 30th, 1809.

PAPER-MONEY.

Sir; Your correspondent W. F. S. appears to me to object, on just grounds, to Mr. Bernard's inference, that "Bank Notes are depreciated, because Guineas will pass for a greater value on the continent than they do here." After, however, premising that I also am but a Tyro, and shall be open to conviction, he will excuse me if I cannot at present coincide with him in all his ideas respecting a circulating medium.—It will be admitted, that this medium, in all countries, consists of materials intrinsically of little value, and unlikely to be largely diverted by the holders from a use wherein their relative value is so great. An increase or diminution of the currency must therefore always affect the nominal value of every article of commerce. Its increase will be attended, or soon followed, by an advanced price of commodities; its diminution by a reduced price. But where this is confined to a particular state, both cause and effect will be of short duration: for such part of the circulating medium of a country, as is in equal use with neighbouring states, will, in the former instance, soon find its way into those states, where it will now purchase a greater quantity of the produce of the soil and of industry, than in that whence it comes, till each state has a share of the aggregate amount of the currency of all, proportioned to its share of the whole produce; on the other hand, where the circulating medium is diminished, there will be an influx of the precious metals, as they are called, or of whatever may be the general commercial medium from abroad, till the same equal distribu-

tion has been effected. A part of the circulating medium of a commercial state ought to be of a nature common with that of the countries with which it trades, not only on account of the facilities thereby afforded to its foreign traffic generally, but because many valuable branches of such traffic cannot be carried on without it at all. Were such a state so imprudent as, at any time, to increase that part of its currency, bearing credit exclusively at home, till it became alone equal to its just proportion of the general currency of the great commercial republic; the consequences would doubtless be the total disappearance of the specie of that state, and a dangerous blow to the prosperity of its foreign trade; for it is evident, from what has before been said, that the merchandize hitherto procured only in exchange for the precious metals, will no longer be within its reach at all by a direct trade, whilst its general foreign commerce will lie under great disadvantages. But were its Paper Currency further increased, the evil consequences would be incalculable. All its manufactures and its natural produce necessarily rising in nominal value with the increased currency, and then people, with equal ingenuity and industry and equal advantages of climate and soil, will be enabled to undersell it in every article not the exclusive produce of its own territory; and will continue to do so, till the superfluity of its Paper Currency is withdrawn from circulation. Individuals, indeed, might benefit by the misfortunes of the community in this case as well as in others. The banker, I suppose, first; next the farmer at rack-rent, who would now pay his rent with a smaller proportion of his produce, and his smith's, wheelwright's, and draper's bills with the same proportion as before: in a less degree lessees generally. But the lessor, the annuitant, the merchant, and, above all, the manufacturer, would suffer severely or be totally ruined; and with them the revenues of the state. On the other hand, were there a great and undue diminution of the currency, the chief sufferers in the former case, would in this, generally, become opulent, but with very great distress to the rest of the people. The evil from this cause would, however, commonly soon work its own cure; but it might not always do so. For instance, in the case of large loans or subsidies to foreign powers, and of extensive expeditions, were the whole or even a large part of the specie required raised out of the circulating currency, not only would so great and sudden a reduction of the currency cause embarrassment and distress to the people, but soon, (through their inability to pay the taxes), in all probability to the government also. And this evil might be lasting: for War, that caused it, is likely to impede its cure. With us this evil is obviated by a chartered Bank, wherein is deposited the superfluous currency, and whence on emergency it is drawn for the service of the state; the revenues being pledged to the Bank proprietors for the due payment of the interest, and the privilege of keeping in circulation, as a legal substitute for the coin of the state, an untaxed paper currency to a certain amount, being also granted them in return for the occasional accommodation, and the better to enable them to continue it.—The present condition of our commerce gives no cause for apprehension that the paper currency of this country has yet reached a very dangerous extent; and it is to be hoped that our legislature has still virtue and wisdom enough left to prevent its doing so: but I cannot help observing that I know of no law for limiting the issue of Country-Bank Notes, and that this subject seems to merit peculiar attention.—So much for a circulating medium in general; now for the proportional value of gold to silver—of a guinea to a shilling—a question of comparatively small importance. Were coin allowed to be freely exported, the consequence would be that at home, where the laws (and wisely) have fixed their relative value, we should have a greater proportion of gold than of silver in circulation, when the relative value of gold to silver is higher here than abroad; and a greater proportion of silver when the relative value of silver is higher. In other words; when our neighbours on the Continent would give us two or three and twenty shillings for a guinea, we should export gold and import silver; would they return us our guineas at the price of nineteen or twenty shillings each, we should export silver and import gold; till in either instance the currency of the country consisted of a much greater proportion of one metal and a less of the other, or possibly of one of them exclusively. Part of the exported coin will in each case be applied to the purchase of merchandize of intrinsic value; such application naturally arising from the superfluity caused by the advantageous exchange. This should seem to

be a real benefit to a country, and with certain regulations to the traffic it undoubtedly would be so: but the exportation of gold and silver uncoined should alone be permitted, and our own coin the only coin admitted as a legal tender at home, for the currency of the country would otherwise very soon consist of an almost endless variety of foreign coins, mixt with and perhaps almost superseding our own; whereby our domestic trade would suffer considerable embarrassment. Our legislature has accordingly attached severe penalties to the exportation of coin, and has moreover endeavoured to prevent the temptation, by making its standard, as to weight and purity, something inferior to the quantity and quality that each coin will, on the average of the market for several years, purchase in the same metal. A crown will generally purchase more than its weight in silver—a guinea more than its weight in gold of equal fineness with itself respectively. But this latter measure cannot be carried to an extent that will guard against every variety of the market without holding out too great temptation for a fraudulent imitation of the coin; the laws against its exportation are consequently not thereby rendered unnecessary; so far from it that both precautions jointly at times prove insufficient.—Possibly it may be asked: how then is a coinage attended with loss to governments? I answer: not in the exchange of gold and silver coin, for their uncoined materials: but in that of new coin for old of the same denominations, and in equal numbers; which is occasionally rendered necessary by the reduction in weight of the old coin, through use, and the consequent temptation for fraudulent imitations. It may not be amiss to make a few observations respecting forgery, whether of the coin or paper of a state, though this is not strictly the proper place. First, of coin. The circulation of false coin would in the first place, impede traffic by the attention necessary from individuals to the examination of the specie offered to them in the course of business: but, were the circulation of base coin to become very extensive, it would, in addition to this evil, be attended with all the fatal consequences above enumerated in speaking of a superfluity in the paper currency, without the temporary accommodation which the state might have experienced by an increased issue of its own paper. A remedy for this can only be found in the detection of the false coin and the withdrawing it from circulation: a measure attended, perhaps, with the ruin of many innocent individuals, but with unqualified advantage to the state, which is under no obligation to remunerate them for their loss. The same observations will apply yet more forcibly to the forgery of state paper, but in this case, as the temptation is greater on account of the worthlessness of the materials, it becomes a duty of every government to render the imitation proportionably more difficult. —— I am, Sir, your obedient servant, Z.

Near Peterborough, 19th, Nov. 1809.

MR. CANNING'S STATEMENT.—*(Concluded from p. 864.)*

Of the extent to which this *self-imposed* restriction appears to have gone, I had not any suspicion. I knew indeed that your Lordship had stipulated to keep the time of the disclosure to Lord Castlereagh in your own hands; but subsequently to my being made acquainted with that stipulation, I had received the assurances, which I have already described, on behalf of "Lord Castlereagh's friends;" and had relied upon those assurances.

It was not till the 6th of September that I learnt that those assurances had not been carried into effect. It was not till the 19th of September that I learnt that your Lordship had been no party to them. Then indeed I learnt that your Lordship had not only "*not engaged*" to make the communication previously to the "issue of the Expedition being known here"—but that in July you had "stated to *one* of our Colleagues," (not the Duke of Portland)—"*who was urging an earlier communication,*" that the "time of communication, "so far as you were concerned, was for "you to decide; but that no one had a "right to say you did not perform that "part in the transaction in which you "were concerned, *if you did not open your "lips to Lord Castlereagh before the issue of "the Expedition was known here.*"

This information I received from your Lordship, in a letter dated the 19th of September. It was then perfectly new to me.

I leave your Lordship to judge what must have been my surprise, when, after receiving from your Lordship, on the evening of the 19th of September, this frank avowal of the real origin of the concealment maintained, during this latter and most import-

ant period, towards Lord Castlereagh, I received on the following morning Lord Castlereagh's Letter of the same date, making *me* responsible for that concealment.

I have not to trouble your Lordship with any farther observations.

I have confined myself to matters growing out of Lord Castlereagh's Letter, and out of your Lordship's Statement: on those alone have I any right to claim your Lordship's attention.

To this Address to your Lordship I have been compelled to resort, however reluctantly, to vindicate my private honour. As to any charges against my public conduct—this is not the mode to reply to them. If any such shall be brought against me, at the proper time and in the proper place I shall be prepared to meet and to repel them.

I have the honour to be, with great respect, My Lord; Your Lordship's most obedient humble Servant,

GEORGE CANNING.

OFFICIAL PAPERS.

SWEDEN AND RUSSIA.—*Treaty of Peace between Sweden and Russia. Dated 5-17th Sept.* 1809.—*(Concluded from p.* 832.*)*

- - - - - - - - All sequestrations of property or revenues shall in consequence be immediately removed, and the property shall be reserved to the owners; it being well understood that such as become subjects of either of the two Powers, in virtue of the preceding Article, shall have no right to claim from the Sovereign, of whom they have ceased to be a subject, the annuities or pensions which may have been obtained in virtue of acts of grace, concessions, or appointments, for preceding services.

XII. The titles, domains, archives, and other documents, public and private, the plans and charts of fortresses, towns, and territories, devolved by the present Treaty to his Majesty the Emperor of all the Russias, including the charts and papers which may be deposited in the Surveyor's Office, shall be faithfully delivered up, within the space of six months; or if that period should be found too short, at the latest within one year.

XIII. Immediately after the exchange of the ratifications, the High Contracting Parties shall remove all sequestrations which may have been placed on the property or revenues of the respective inhabitants therein situated.

XIV. The debts, both public and private, contracted by the Fins in Sweden, and vice versa, by the Swedes in Finland, shall be discharged on the terms and conditions stipulated.

XV. The subjects of either of the High Contracting Parties, to whom inheritances may fall in the States of one or the other, may, without obstacle, take possession of the same, and enjoy it under the protection of the laws. The exercise of this right, however, in Finland, is subject to the stipulations of Article X. in virtue of which the proprietor shall either fix his residence in the country, or sell the inheritance within three years.

XVI. The duration of the Treaty of Commerce between the High Contracting Parties being limited to the 17th (29th) Oct. 1811, his Majesty the Emperor of Russia consents not to reckon its interruption during the war; and that the said Treaty shall continue in force until the 1st (13th) February, 1813, with respect to every thing not contrary to the dispositions of the Commercial Manifesto issued at St. Petersburgh, Jan. 1st. 1809.

XVII. The territories incorporated with the Russian Empire, in virtue of this Treaty, being attached to Sweden, by commercial relations, which long intercourse, neighbourhood, and reciprocal wants have rendered almost indispensable, the High Contracting Parties, desirous of preserving to their subjects these means of mutual advantage, agree to make such arrangements as may be necessary for consolidating them. In the mean time, until they come to an understanding on this subject, the Fins shall have the power of importing from Sweden, ore, smelted iron, lime, stones for building smelting furnaces, and in general all the other productions of the soil of Sweden.—In return the Swedes may export from Finland, cattle, fish, corn, cloth, pitch, planks, wooden utensils of all kinds, wood for building, and, in general, all the other productions of the soil of the Grand Duchy.—This traffic shall be re-established and maintained to the 1st (13th) of October, 1811, precisely on the same footing as it was before the war, and shall be liable to no interruption or burden, with the reservation of such restrictions as the political relations of the two States may render necessary.

XVIII. The annual exportation of 50,000

schetwerts of corn, purchased in the ports of the Gulph of Finland, or of the Baltic, belonging to Russia, is granted to his Majesty the King of Sweden, free of the export duty, on proof being shewn that the purchase has been made on his account, or in virtue of his authority.—Years of scarcity, in which the exportation shall be prohibited, are excepted, but the quantity in arrear, in consequence of such order, may be made up when the prohibition shall be removed.

XIX. With respect to salutes at sea, the two High Contracting Parties agree to regulate them on the footing of the most perfect equality between the two Crowns. When their vessels of war meet at sea, the salutes shall take place in conformity to the rank of the Commanders, in such manner that he who holds the superior rank shall receive the first salute, which shall be returned gun for gun. If the commanders are of equal rank, no salute shall take place on either side; before castles, fortresses, and at the entrance of ports, the party arriving shall salute first, and the salute shall be returned gun for gun.

XX. Difficulties which may arise on points not determined by this Treaty shall be discussed and settled by Ambassadors or Ministers Plenipotentiary respectively appointed, who shall be guided by the spirit of conciliation which has dictated the Treaty.

XXI. This Treaty shall be ratified by the two Contracting Powers; and the ratifications exchanged in proper and due form, within four weeks, or sooner, if possible, reckoning from the day of the signature of the present Treaty.—In faith of which we, the undersigned, in virtue of our full powers, have signed the present Treaty of Peace, and have thereto affixed our seals.

Done at Friedricksham, this 5-17th of September, in the year of Grace, 1809:

Count NICHOLAS DE ROMANZOFF.
DAVID ALOPEUS.
Count STEDINCK.
A. F. SKJOLDEBRAND.

Abstract of the NEW CONSTITUTION *of* SWEDEN.

§ 1 to 9.—The Government of Sweden shall be monarchical and hereditary, with limitation to the issue male. The King must be of the true evangelical religion, and must govern conformably to this Constitution, and with and by the advice of a Council of State (Stats Rad) the members of which are to be appointed by the King, who is wholly exempt from responsibility, but the Members are responsible for their advice. The Members must be natives of Sweden, and of the true evangelical faith. The Council shall consist of nine Members, viz. the Minister of State for Judicial Affairs, the Minister of State for Foreign Affairs, six Counsellors, of whom three at least must be civil officers, and the Chancellor of the Court. The Secretaries of State shall have a seat in the Council, whenever any case belonging to their respective departments shall be under deliberation. A father and a son, or two brothers, cannot be Members of the Council at the same time. There are four Secretaries of State, namely, one for the Foreign Department, one for the Home Department, one for the Exchequer or Financial Department, and one for the Ecclesiastical Department. All the affairs of Government (except the diplomatic or foreign relations, and the immediate command of the army and navy) shall be submitted to the consideration and decision of the King, assisted by at least three Members, exclusive of the acting Secretary, which number is required to constitute a Council of State for the transaction of business. A minute shall be made of all the proceedings of the Council, every Member present shall be unconditionally bound to give his advice, but the privilege of deciding is vested in the King, who, by virtue of his prerogative, may assent or dissent from any measure, in opposition to the votes or opinions of all the Members. But in the possible event of the decision of his Majesty being repugnant to the constitution and laws, the Members are required by the most solemn obligation to remonstrate, and in case any Member's opinion shall not be duly recorded, such Member shall be deemed guilty of counselling and abetting the King in his unconstitutional decision.

§ 9 to 13.—Before any appeal can be made to the King in Council, it must be submitted to the Secretary of State, and a Council specially appointed for hearing it. Ministerial or political affairs are to be considered and decided by the King, who in the exercise of his prerogative must take the advice of his Minister of State for Foreign Affairs, and the Chancellor of the Council, who are responsible for their advice. The King may conclude Treaties

with foreign powers, after consulting the said Minister of State, and Chancellor. The King, previous to his declaring war or concluding peace, must state to the Council his motive for so doing, and the members shall give their opinion on the subject under their own responsibility.

§ 13 to 15.—The supreme command of the navy and army is vested in the King; as also the ultimate decision in all matters relative thereto, assisted by the Minister of State for either service, who shall be responsible for their advice.

§ 16.—The King cannot deprive, or cause any subject to be deprived, of his life, liberty, honour, or property, without trial and judgment, nor can he harass or persecute any person for his religious opinions, provided the promulgation of them, or the exercise of his religion, be not injurious to the community.

§ 16 to 27.—Relate to the constitution of a Council of Justice, which is to consist of six Noblemen and six Commoners, who are to decide in Judicial affairs. The King has also two votes, and may pardon criminals, and mitigate or commute punishments.

§ 27 to 31.—The King, in the Council of State, is to appoint persons to Civil and Military Offices; as also the Archbishop and Bishops in the manner formerly done.

§ 32.—Ambassadors, Envoys, &c. to Foreign Courts, are to be nominated by the King, in the presence of the Minister of State for Foreign Affairs, and the Chancellor of the Court.

§ 32 to 35.—Describe the manner of appointing Civil and Military Officers, and what officers holding situations of ostensible trust and confidence, may be removed at the pleasure of the King, having previously signified his pleasure to the Council.

§ 35 to 38.—The King cannot remove a Judge from his office, except for just cause and proof of criminality. The King is to have the privilege of creating Noblemen, whose eldest sons and heirs only are to inherit the family title. All decrees must be countersigned by a Secretary of State.

§ 38 to 40.—The King shall not quit the kingdom without consulting the Council, who, in the event of his departure, is to govern in his absence.

§ 40 to 48.—Declare, that the Prince or King shall be of age at 21, and on his not having heirs male, the Diet shall be assembled and choose a successor. No Prince of the Blood can marry without the King's consent; neither the Crown Prince, nor the other Princes can hold any hereditary office. The King appoints all his Officers of the Court and Household.

§ 49.—The States of the Kingdom are to be assembled every 5th year at Stockholm.

§ 49 to 90.—Regulate the mode of electing Members of the Diet.—The King cannot impose any taxes without the consent of the Diet, and the Bank is under the immediate controul of the States of the kingdom.—The King cannot negociate loans within the kingdom, nor in foreign countries; nor can he sell, dispose of, or alienate, any province belonging to the kingdom, nor alter the value of the current coin.

§ 90 to 94.—Provide, That if the King continue absent more than a twelvemonth, the Diet must be assembled, and the King be informed thereof. That when the successor is not of age, the Diet must be assembled, and appoint a Regency to govern during his minority. When the King is eighteen years of age, he is to attend the several Courts of Justice, without, however, taking any part in the decisions.

§ 94 to 107.—Explain what is be done, should the Members of the Council neglect assembling the Diet, or act contrary to their duty; and enjoins, that at each Diet a Committee shall be appointed for inquiring into the conduct of the Ministers, Council, and Secretaries of State.

§ 108.—Regards a Committee for superintending the Liberty of the Press.

§ 108 to 114.—State, That no Diet can be of longer duration than three months, except business shall require it. No man, while a member of the Diet, can be accused, or deprived of his liberty, for his actions or expressions in his respective State, unless the particular State to which he belong shall demand it. No Officer of the Crown must influence, by his authority, in the election of a Member of the Diet, &c.

SPAIN.—MANIFESTO, *fixing the days when the* GENERAL CORTES *of the Spanish Monarchy are to be convoked and held; Dated Royal Alcazar of Seville, Oct.* 28, 1809.

Spaniards!—By a combination of events as singular as fortunate, it has seemed good

to Providence, that in this terrible crisis you shall not advance a step towards independence without likewise advancing one towards liberty. A foolish and feeble tyranny, in order to rivet your fetters and aggravate your chains, prepared the way for French despotism, which, with the terrible apparatus of its arms and victories, endeavoured to subject you to a yoke of iron. It at first exhibited itself, like every new tyranny, under a flattering form, and its political impostors presumed they should gain your favour by promising you reforms in the Administration, and announcing, in a constitution framed at their pleasure, the empire of the laws.—A barbarous and absurd contradiction, worthy certainly of their insolence. Would they have us believe that the moral edifice of the liberty and fortune of a nation can be securely founded on usurpation, iniquity, and treachery? But the Spanish people, who were the first of modern nations to recognize to the true principles of the social equilibrium, that people who enjoyed before any other the prerogatives and advantages of civil liberty, and knew to oppose to arbitrary power the eternal barrier directed by justice, will borrow from no other nation maxims of prudence and political precaution; and tell those impudent legislators, that they will not acknowledge as laws the artifices of intriguers, nor the mandates of tyrants. Animated by this generous instinct, and inflamed with the indignation excited by the perfidy with which you were invaded, you ran to arms, without fearing the terrible vicissitudes of so unequal a combat, and fortune, subdued by your enthusiasm, rendered you homage, and bestowed on you victory in reward for your valour. The immediate effect of these first advantages was the re-composition of the State, at that time divided into so many factions as provinces. Our enemies thought that they had sown among us the deadly germ of anarchy, and did not advert that Spanish judgment and circumspection were always superior to French machiavelism. Without dispute, without violence, a Supreme Authority was established; and the people, after having astonished the world, with the spectacle of their sublime exaltation and their victories, filled it with admiration and respect by their moderation and discretion.

The Central Junta was installed, and its first care was to announce to you, that if the expulsion of the enemy was the first object of its attention, the inferior and permanent felicity of the State was the principle in importance: to leave it plunged into the flood of abuses, prepared for its own ruin by arbitrary power, would have been in the eyes of our present Government, a crime as enormous as to deliver you into the hands of Buonaparté; therefore, when the turbulence of war permitted, it caused to resound in your ears the name of your Cortes, which to us have ever been the bulwark of civil liberty, and the throne of national Majesty, a name heretofore pronounced with mystery by the learned, with distrust by politicians, and with horror by tyrants, but which henceforth signify in Spain the indestructible base of the monarchy, the most secure supports of the rights of Ferdinand VII. and of his family, a right for the people, and the Government an obligation.

That moral resistance, as general as sublime, which has reduced our enemies to confusion and despair in the midst of their victories, must not receive less reward. Those battles which are lost, those armies which are destroyed, not without producing new battles, creating new armies, and again displaying the standard of loyalty on the ashes and ruins which the enemies abandon; those soldiers who, dispersed in one action, return to offer themselves for another; that populace which despoiled of almost all they possessed returned to their homes to share the wretched remains of their property with the defenders of their country; that concert of lamentable and despairing groans and patriotic songs; that struggle, in fine, of ferocity and barbarity on the one hand, and of resistance and invincible constancy on the other, present a whole as terrible as magnificent, which Europe contemplates with astonishment, and which history will one day record in letters of gold for the admiration and example of posterity. A people so magnanimous and generous ought only to be governed by laws which are truly such, and which shall bear the great character of public consent and common utility—a character which they can only receive by emanating from the august assembly which has been announced to you. The Junta had proposed that it should be held during the whole of the ensuing year, or sooner, if circumstances should permit. But in the time which has intervened since this resolution, a variety of public events have agitated the minds of the people, and the difference of

opinions relative to the organization of the Government, and the re-establishment of our fundamental laws, has recalled the attention of the Junta to these important objects with which it has latterly been profoundly occupied. It has been recommended on the one hand, that the present Government should be converted into a Regency of three or five persons: and this opinion has been represented as supported by one of our ancient laws, applicable to our present situation. But the situation in which the kingdom was, when the French threw off the mask of friendship, to execute their treacherous usurpation, is singular in our history, and cannot have been foreseen in our institutions. Neither the infancy, nor the insanity, nor even the captivity of the Prince, in the usual way in which these evils occur, can be compared with our present case, and the deplorable situation to which it has reduced us. A political position entirely new requires political forms and principles likewise entirely new. To expel the French, to restore to his liberty and his throne our adored King, and to establish solid and permanent bases of good government, are the maxims which gave the impulse to our Revolution, are those which support and direct it; and that Government will be the best which shall most promote and fulfil these three wishes of the Spanish Nation. Does the Regency of which that Law speaks promise us this security? What inconveniencies, what dangers, how many divisions, how many parties, how many ambitious pretensions, within and without the kingdom; how much, and how just, discontent in our Americas, now called to have a share in the present Government? What would become of our Cortes, our liberty, the cheering prospects of future welfare and glory which now present themselves? What would become of the object most valuable and dear to the Spanish Nation—the preservation of the Rights of Ferdinand? The advocates for this Institution ought to shudder at the immense danger to which they exposed themselves, and to bear in mind, that by it they afforded to the Tyrant a new opportunity of buying and selling them. Let us bow with reverence to the venerable antiquity of the Law; but let us profit by the experience of ages. Let us open our annals and trace the history of our Regencies. What shall we find?—a picture equally melancholy and frightful, of desolation, of civil war, of rapine, and of human depravity, in unfortunate Castile.

Doubtless, in great states, power is more beneficially exercised by few than by many. Secrecy in deliberation, unity in concert, activity in measures, and celerity in execution, are indispensable requisites for the favourable issue of the acts of Government, and are properties of a concentrated authority only. The Supreme Junta has therefore just concentrated its own with that prudent circumspection which neither exposes the state to the oscillations consequent upon every every change of Government, nor materially affects the unity of the body which is entrusted with it. Henceforth a section composed of the removeable members, will be specially invested with the necessary authority to direct those measures of the executive power, which from their nature require secrecy, energy and dispatch. Another opinion hostile to the Regency, equally contradicts whatever innovation may be attempted to be made in the political form which the Government has at present, and objects to the intended Cortes as an insufficient representation, if they are constituted according to the ancient formalities, as ill timed and perhaps hazardous, in respect to present circumstances; in short as useless, since it supposes that the superior Juntas, erected immediately by the people, are their real representatives. But the Junta had expressly declared to the nation, that its first attention in the great object would be occupied with the number, mode and class with which the meeting of this august assembly in the present situation of affairs should be carried into effect; and after this declaration it is quite superfluous, not to say malicious, to suspect that future Cortes are to be confined to the rigid and exclusive forms of our ancient ones. Yes, Spaniards, you are going to have your Cortes, and the national representation will in them be as perfect and full as it can and ought to be in assembly of such high importance and eminent dignity. You are going to have Cortes, and to have them immediately, because the urgent situation in which the nation is placed, imperiously demands it, and at what time, gracious God, can it adopt this measure better than at present? When an obstinate war has exhausted all the ordinary means; when the egotism of some and the ambition of others debilitate and paralyse the efforts of the government, by

their opposition or indifference; when they seek to eradicate the essential principle of the Monarchy, which is union; when the Hydra of Federalism, so happily silenced the preceding year by the creation of the Central Power, dares again to raise its poisonous head, and endeavours to precipitate us into the dissolution of anarchy; when the subtility of our enemies is watching the moment when our divisions disunite us, to destroy the State, and to erect their throne on the ruin which our distractions afford them. This is the time—this, to collect in one point the national dignity and honour, and when the Spanish people may will and decree the extraordinary surplus which a powerful nation ever has within it for its salvation. It alone can encounter and put them in motion; it alone can encourage the timidity of some, and restrain the ambition of others; it alone will suppress importunate vanity, puerile pretensions, and enfuriated passions, which, unless prevented, go to tear in pieces the Government. It will, in fine, give to Europe a fresh example of its Religion, its circumspection, and its discretion, in the just and moderate use which it is about to make of the glorious liberty in which it is constituted. Thus it is that the Supreme Junta which immediately recognised this national representation as a right and proclaimed it as a reward, now invokes and implores it as the most necessary and efficacious remedy; and has therefore resolved that the General Cortes of the Monarchy, announced in the decree of the 22nd May, shall be convoked on the 1st day of January in the next year, in order to enter on their august functions the 1st day of March following. When that happy day has arrived, the Junta shall say to the Representatives of the Nation:—

Ye are met together, O Fathers of your Country! and re-established in all the plenitude of your rights, after a lapse of three centuries, when despotism and arbitrary power dissolved you, in order to subject this nation to all the evils of servitude. The aggression which we have suffered, and the war which we maintain, are the fruits of the most shameful oppression and the most unjust tyranny. The Provincial Juntas, who were able to resist and repulse the enemy in the first impetus of his invasion, invested the Supreme Junta with the Sovereign Authority, which they exercised for a time, to give unity to the State and concentrate its power. Called to the exercise of this authority, not by ambition or intrigue, but by the unanimous voice of the provinces of the kingdom, the individuals of the Supreme Junta shewed themselves worthy of the high confidence reposed in them, by employing all their vigilance and exertions for the preservation and posterity of the State. The magnitude of our efforts will be apparent from the consideration of the enormity of the evil which preceded. When the power was placed in our hands, our armies, half formed, were unprovided and destitute of every thing, our treasury was empty, and our resources uncertain and distant. The despot of France, availing himself of the tranquillity in which the North then was, poured upon the Peninsula the military power under his command, the most formidable that has been known in the most warlike legions, better provided, and above all more numerous than others, rushed on every side, though much to their cost, against our armies, destitute of the same expertness and confidence. A new inundation of barbarians who carried desolation through all the provinces of which they took possession, was the consequence of these reverses, and the ill closed wounds of our unfortunate country began painfully to open and pour with blood in torrents. The State thus lost half its strength; and when the Junta, bound to save the honour, the independence, and the unity of the nation from the impetuous invasion of the tyrant, took refuge in Andalusia, a division of 30,000 men repaired to the walls of Saragosa, to bury themselves in its ruins. The army of the centre being thus deprived of a great part of its strength, did not give to its operations that activity and energy which must have had very different results from those of the battle of Aeles. The avenues of the Sierra Morena and the banks of the Tagus were only defended by ill armed handfuls of men, to whom could scarcely be given the name of armies. The Junta, however, by means of activity and sacrifices, rendered them such, so routed and dispersed in the two battles of Ciudad Real and Metellin, instead of despairing of the country, they redoubled their efforts, and in a few days collected and opposed to the enemy 70,000 infantry and 12,000 cavalry. *(To be continued.)*

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